

MONTANA LEGISLATIVE HISTORY

Chapter 604 19 91

Bill H 579 S _____ Original bill & history C

H. Committee on Highways & Transportation S. Committee on Highways & Transportation

Hearing Date(s) Mar 09 ✓ C

Hearing Date(s) Apr 11 ✓ C

Mar 20 ✓ C

_____ C

_____ C

_____ C

_____ C

_____ C

Date Out Mar 22 ✓ C

Apr 11 ✓ C

Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

HB 580 INTRODUCED BY SCHYE

REQUIRE DEPARTMENT OF REVENUE TO REPORT TAXABLE VALUE TO
OFFICE OF PUBLIC INSTRUCTION BY DECEMBER 1 OF EACH YEAR
BY REQUEST OF REVENUE OVERSIGHT COMMITTEE

2/04	INTRODUCED		
2/04	REFERRED TO TAXATION		
2/04	FIRST READING		
2/04	FISCAL NOTE REQUESTED		
2/08	FISCAL NOTE RECEIVED		
2/12	FISCAL NOTE PRINTED		
2/14	HEARING		
2/14	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/16	2ND READING PASSED	96	0
2/19	3RD READING PASSED	99	0
	TRANSMITTED TO SENATE		
2/20	FIRST READING		
2/20	REFERRED TO TAXATION		
3/06	HEARING		
3/07	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/18	2ND READING CONCURRED AS AMENDED	49	0
3/19	TAKEN FROM 3RD READING AND PLACED ON 2ND READING	49	0
3/20	2ND READING CONCURRED AS AMENDED	48	0
3/21	3RD READING CONCURRED	49	0
	RETURNED TO HOUSE WITH AMENDMENTS		
4/09	2ND READING AMENDMENTS CONCURRED	96	0
4/10	3RD READING AMENDMENTS CONCURRED	99	0
4/15	SIGNED BY SPEAKER		
4/16	SIGNED BY PRESIDENT		
4/16	TRANSMITTED TO GOVERNOR		
4/20	RETURNED TO HOUSE WITH GOVERNOR'S AMENDMENTS		
4/22	2ND READING GOVERNOR'S AMENDMENTS NOT CONCURRED	77	14
	TRANSMITTED TO SENATE		
4/23	2ND READING GOVERNOR'S AMENDMENTS CONCURRED	49	0
4/24	3RD READING GOVERNOR'S AMENDMENTS CONCURRED	48	0
	RETURNED TO HOUSE		
4/23	CONFERENCE COMMITTEE APPOINTED		
4/24	CONFERENCE COMMITTEE DISSOLVED		
4/24	FREE CONFERENCE COMMITTEE APPOINTED		
4/24	FREE CONFERENCE COMMITTEE REPORT NO. 1		
4/25	2ND READING FREE CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	98	0
4/25	3RD READING FREE CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	97	0
	SENATE		
4/24	FREE CONFERENCE COMMITTEE APPOINTED		
4/24	FREE CONFERENCE COMMITTEE REPORT NO. 1		
4/25	2ND READING FREE CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	48	1
4/25	3RD READING FREE CONFERENCE COMMITTEE REPORT NO. 1 ADOPTED	47	2
4/29	SIGNED BY SPEAKER		
4/29	SIGNED BY PRESIDENT		
4/30	TRANSMITTED TO GOVERNOR FOR RECONSIDERATION		

2/02	INTRODUCED		
2/02	REFERRED TO STATE ADMINISTRATION		
2/04	FIRST READING		
2/04	FISCAL NOTE REQUESTED		
2/08	FISCAL NOTE RECEIVED		
2/12	FISCAL NOTE PRINTED		
2/14	HEARING		
2/15	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/18	REVISED FISCAL NOTE PRINTED		
2/18	2ND READING PASSED AS AMENDED	99	0
2/20	3RD READING PASSED	99	0
	TRANSMITTED TO SENATE		
2/21	FIRST READING		
2/21	REFERRED TO STATE ADMINISTRATION		
3/05	REVISED FISCAL NOTE REQUESTED		
3/08	HEARING		
3/08	REVISED FISCAL NOTE RECEIVED		
3/09	REVISED FISCAL NOTE PRINTED		
4/11	TABLED IN COMMITTEE		

HB 578 INTRODUCED BY G. BECK, ET AL.

HAZARDOUS DUTY PAY FOR EMPLOYEES AT THE
STATE PRISON AND CORRECTIONAL CENTER

2/02	INTRODUCED		
2/02	REFERRED TO STATE ADMINISTRATION		
2/04	FIRST READING		
2/04	FISCAL NOTE REQUESTED		
2/09	FISCAL NOTE RECEIVED		
2/11	FISCAL NOTE PRINTED		
2/15	HEARING		
	DIED IN COMMITTEE		

HB 579 INTRODUCED BY DRISCOLL, ET AL.

REVISE MOTOR VEHICLE LAW—CREATE COMPUTER
RENEWAL SYSTEM-APPROPRIATE FUNDS

2/02	INTRODUCED		
2/02	REFERRED TO HIGHWAYS & TRANSPORTATION		
2/04	FIRST READING		
2/04	FISCAL NOTE REQUESTED		
2/08	FISCAL NOTE RECEIVED		
2/12	FISCAL NOTE PRINTED		
3/07	HEARING		
3/23	COMMITTEE REPORT—BILL PASSED AS AMENDED		
3/23	FISCAL NOTE PRINTED		
3/23	FISCAL NOTE RECEIVED		
4/03	2ND READING PASSED	90	10
4/03	ON MOTION RULES SUSPENDED TO PLACE ON 3RD READING THIS DAY		
4/03	3RD READING PASSED	92	6
	TRANSMITTED TO SENATE		
4/04	FIRST READING		
4/04	REFERRED TO HIGHWAYS & TRANSPORTATION		
4/11	HEARING		
4/11	COMMITTEE REPORT—BILL CONCURRED		
4/15	2ND READING CONCURRED	48	0
4/16	3RD READING CONCURRED	49	0
	RETURNED TO HOUSE		
4/20	SIGNED BY SPEAKER		
4/20	SIGNED BY PRESIDENT		
4/20	TRANSMITTED TO GOVERNOR		
4/24	SIGNED BY GOVERNOR		

registrations within a half hour. They have 3 to 4 people that are cross-trained. She said they very seldom have long lines.

Closing by Sponsor:

REP. O'KEEFE thanked the proponents and opponents for a good hearing. The bill is to improve services by reforming the system that dates back to the early 1900's. He said the treasurers have a bill that will be following this hearing. There is an acknowledgement that there are problems within the system. He said this bill is not an attempt to attack the county government or officials, but an attempt to improve the system. He said there was not a citizen here today to testify on this bill. He said it is the job of the elected officials to serve the public.

HEARING ON HB 579

Presentation and Opening Statement by Sponsor:

REP. JERRY DRISCOLL, House District 92, Billings, said this is the bill that everyone has talked about on the bill heard before this one. This bill will revise the motor vehicle laws. It will increase the number of registration periods from 10 to 12, provide for mail renewal cards for light vehicles, motor homes, campers, travel trailers, boats, snowmobiles, motorcycles, quadricycles and off-highway vehicles. HB 579 provides for the implementation of a state wide computer system network and appropriate money to the county motor vehicle computer committee.

Proponents' Testimony:

Cort Harrington, Montana County Treasurer's Association, said this bill was introduced at the request of the county treasurers association. It is a response to HB 575 that was just heard. Many of the things heard in HB 575 and will be heard in this bill should be given credit to the motor vehicle division. He spoke about the similar things between HB 575 and HB 579. HB 579 will make an effective date for motor vehicle registration on January 1 instead of the middle of a registration period. Mr. Harrington went through each section of the bill. The difference between the this bill and the Motor Vehicle Division, is they want the authority to transfer vehicles from a current registration period to one of the two months the department wanted add. This bill will be over a period of a 12 month time. People who come in to register for the first time in one of those months can have their vehicle registered in that month. In section 3 of HB 579 and section 25 of HB 575, addresses the 60 day sticker. It is amended in both bills and is essentially the same. It requires people that come in to get a 60 day sticker to pay all the taxes and fees that would be normally paid when the vehicle is registered. The county treasurers believe it is easier for them to have the mail reregistration. The computer system that is in the 13 counties is a good system. Mr. Harrington wants it

mandated for all 56 counties to be on-line. He didn't know if it a county system or a state system. The funding source comes from adding \$1 to the registration and reregistration of all vehicles that will sunset in two years. He said the \$1 should take care of the cost of the equipment that will be placed in the counties. He offered amendments to the bill. **EXHIBIT 15** The amendment asks that proof of insurance must be shown when registering a vehicle. The given difference between the two bills, is who will own the system.

Billye Ann Bricker, Mineral County Treasurer, said her county is 87% federally owned. The Bonneville Power Association (BPA) runs the full length of the county and 50% or more of the taxes are protested. She said her comments would be a mixture of HB 575 and this bill, HB 579. She opposes the modern bill, HB 575. The further away from local control the more is taken away from the people and the more suspicious the people become. They are losing more county jobs to the state, and was sure the state resented losing their jobs to the federal government. They want to keep the motor vehicle on the local level no matter what promises the state makes, and they are willing to pay for it. She said there is a joke going around her county about the department that says "yep, they're going to do it cheaper by charging more". There is another bill in before a committee, that will raise driver's licenses. The price of titles are going up while the county treasurers are still in charge, so it will look like they are at fault, and the people will be cooled down by the time the department takes over. She is in favor of the 12 month registration period, they do not need to be worrying about the end of the month duties like it currently is on a 10 month period. **Ms. Bricker** said they encourage mail-in for registrations. People do not want to see HB 575 go through. She urged the committee's support for HB 579.

Susan Spurgeon, Fergus County Treasurer, spoke in favor of HB 579. She addressed the \$1 added on the registration fee. The automation of all 56 counties would be an efficient way to have the system. The county treasurers have been documenting material that would state how many dollars need to be added to each of the motor vehicles, i.e., junk vehicle fees, noxious weed fees, and the fee for funding the highway patrolmen retirement. She hoped this bill passes, so she can tell her people when they ask her why did the fee go up one more dollar on their vehicle, she will be able to explain to them that it will give better and more efficient service across the state of Montana to deal with motor vehicle registrations.

Kevan Bryan, Yellowstone County Treasurer, said he rises in support of HB 579. It amazes him how state and local government have the unfortunate relationship with various segments of the entities. He said that state and local government must view each other as equal partners in the efforts to provide service to the Montana taxpayers. He said the process of this last session, that both sides should have listened more and talked less. Mr.

Bryan said the county treasurers need to realize and respect the fact that the state sees a whole broad picture and can provide valuable insights into the future vision of the overall function. The state needs to respect the fact that the treasurers have the valuable experience of millions of personable contact with the taxpayers and they know more than anyone what works and what doesn't. He said it takes the local people to know what will work in each situation. The procedure done in Yellowstone County will not work in Winnett. He said the county treasurers need to be able to register motor vehicles 12 months out of the year. People need the option of mail-ins or come into the office if they want. HB 579 raises \$1 and sunsets. The fee raises enough money to pay for the \$838,000 worth of equipment the state has put into the treasurer's fiscal note to administrate the system that will need to be in place for all counties to go on-line. That is all the fee intends to do than it will go away. He said a person does not need a business degree to transfer a title in Montana.

Mary Kay Browning, Valley County Treasurer, said she is in support of HB 579.

John Witt, MACO, urged the committee to support HB 579. He said this needs to be kept at the local level.

Susan Miller, Jefferson County Treasurer, spoke in favor of HB 579. EXHIBIT 16

Fleda Brammer, Broadwater County Treasurer, wanted to go on record in support of HB 579.

Mike Trevor, Administrator of Information Services Division, DOA, said he is neutral on HB 579. He talked about the statement of intent. The department may not adopt a computer system or make changes to the computer system without approval by the user's advisory group. He said there is a problem that needs to be worked out. The user's advisory group would control changes to the application system. He is worried about this group setting the standards for the Department of Justice.

Diana Felton, Toole County Treasurer, reiterated what Kevan Bryan from Yellowstone county said. She said the treasurers have been elected by the citizens of the community in their best interest to serve the communities needs. She felt that the citizens of the communities across Montana are not willing to give up the services that are provided by the country treasurer's office.

Patty Miller, Madison County Treasurer, wanted to go on record in support of HB 579.

Dick Michelate, Cascade County Treasurer, wanted to be recorded in favor of HB 579. He said he was also representing the county commissioners who wanted to go on record in support of HB 579.

Opponents' Testimony:

Dean Roberts, Administrator, Motor Vehicle Division, said the department does not have a problem with the automated system. He asked the chairman to place HB 579 in a subcommittee with HB 575. He said the county treasurers and the Department of Justice want to serve the citizens of Montana better and felt something could be worked out between the two bills.

Questions From Committee Members:

REP. FOSTER asked Ms. Spurgeon about the \$1 fee, and what would be accomplished by the computer system being linked throughout the state. Ms. Spurgeon said that the counties that have not been able to be automated on the statewide network, but have their own computer, would be able to give better and faster service to the customer. The input on a reregistration, would go straight to Deer Lodge and be recorded at that time instead of 3 days later. A title transfer would be on the system, even if it hasn't been issued, it would be on record in Deer Lodge. This not only helps the counties, the Department of Justice, and Deer Lodge, but would also be available for the law enforcement. REP. FOSTER asked if the \$1 fee was deleted, but the rest of the bill was left alone, what would it do to the counties. Ms. Spurgeon said if the \$1 is kicked out, there wouldn't be any source of funding for this proposal. She said the association knew they would need to have a funding proposal to go with this legislation, because they didn't want it to cost the state any money. Without the \$1 fee, would the state fund it?

REP. FELAND asked Ms. Felton if the counties outside of the 13 that are already automated, if the rest of the counties should be mandated to be automated in a certain length of time. Ms. Felton said there is presently a computer system that networks with the county clerk and recorder's office. Any motor vehicle functions that are presently done are split and diversified locally to the different government agencies. Any money that is transmitted to the agencies are then sent in on a state report, but the paper work is handled separately, i.e., sorted, filed and mailed. Once the state receives the paper work, they input into their system. She said that is where the time period is involved. She said there were time delays when it was months before the department could get their distributions and their collections balanced. She said the system is now working with the 13 counties, and seems to be very capable. She said the time is right to go on line to better serve the needs of the people. REP. FELAND asked if she would have a problem with the bill passing as is, by mandating the rest of the counties to go on-line. Ms. Felton said she wouldn't have any problems with the bill passing through that way.

CHAIRMAN STANG said in response to the \$1 fee and getting the counties onto the same computer system, would any of the state employees lose their jobs. Mr. Roberts said it would eliminate

some of the employees at Deer Lodge. Mr. Roberts said that 65% of the registrations done in Montana are on-line. The 13 counties account for that 65% of the total vehicle work done in the state. There are some counties that do less than 7% of the total volume of the state. He said when the counties come on-line, there will be an increase in training levels that will need to be provided to the counties. When everyone becomes linked there will be a need for trouble shooters, i.e., if someone calls the state because their printer is not working, they will need someone to trouble shoot it, by explaining to them what needs to be done to get it working again. Mr. Roberts thought there would be an addition of 5 to 7 employees to be used as trouble shooters when the counties are on-line.

Closing by Sponsor:

REP. DRISCOLL said if HB 575 is passed, 1 to 2 employees will be laid off in every county. He suggested to the committee that if they go for the \$1 fee, that they increase the titling fee be raised from \$5 to \$6, and the \$10 license plate fee be changed to \$11.

CHAIRMAN STANG announced that HB 575 and HB 579 will be placed into a subcommittee. REP. MCCULLOCH will chair, and REP. KNOX and CHAIRMAN STANG will be on the committee.

HOUSE OF REPRESENTATIVES

HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL

DATE 3-7-91

NAME	PRESENT	ABSENT	EXCUSED
REP. FLOYD "BOB" GERVAIS, V.-CHAIR			
REP. ERNEST BERGSAGEL	✓		
REP. ROBERT CLARK			✓
REP. JANE DEBRUYCKER	✓		
REP. ALVIN ELLIS, JR.	✓		
REP. GARY FELAND	✓		
REP. MIKE FOSTER	✓		
REP. PATRICK GALVIN	✓		
REP. DICK KNOX	✓		
REP. DON LARSON	✓		
REP. SCOTT MCCULLOCH	✓		
REP. JIM MADISON	✓		
REP. LINDA NELSON	✓		
REP. DON STEPPLER	✓		
REP. HOWARD TOOLE	✓		
REP. ROLPH TUNBY	✓		
REP. BARRY "SPOOK" STANG, CHAIRMAN	✓		

AMENDMENTS TO HB579
MONTANA COUNTY TREASURERS ASSOCIATION

1. Page 6 line 14

Following: "statement"

Strike: ", stating"

Insert: "that"

Following: "applicant"

Strike: ",stating"

Insert: "is in"

2. Amend 61-3-101 MCA as follows:

61-3-101. Duties of department — records. (1) The department shall keep a record as hereinafter specified of all motor vehicles, trailers, and semitrailers of every kind, and of certificates of registration and ownership thereof, and of all dealers in motor vehicles.

(2) ~~In the case of motor vehicles, trailers, and semitrailers, the~~ The record shall must show the following:

(a) name of owner, residence address by street or rural route, town, and county, ~~and business address~~ mailing address if different than residence address;

(b) name and address of conditional sales vendor, mortgagee, or other lienholder and amount due under contract or lien;

(c) manufacturer of car;

(d) manufacturer's designation of style of car or vehicle;

(e) Identifying number;

(f) year of manufacture;

(g) character of motive power and shipping weight of car as shown by the manufacturer;

(h) the distinctive license number assigned to the vehicle;

(i) if a truck or trailer, the number of tons' capacity or GVW if imprinted on manufacturer's identification plate;

(j) such other information as may from time to time be found desirable.

(3) The department shall file applications for registration received by it from the county treasurers of the state and register the vehicles therein described and the owners thereof in suitable books or on index cards, as follows:

(a) under the distinctive license number assigned to the vehicle by the county treasurer;

(b) alphabetically under the name of the owner;

(c) numerically under make and identifying number of the vehicle;

(d) such other index of registration as the department considers expedient.

(4) Vehicle registration records and indexes and driver's license records and indexes may be maintained by electronic recording and storage media.

(5) In the case of dealers, the records shall show the information contained in the application for dealer's license as required by 61-4-101 through 61-4-105, as well as the distinctive license number assigned to the dealer.

(6) In order to prevent an accumulation of unneeded records and files, the department shall have the authority and it shall be its duty to destroy all records and files

which have ceased to be of any value.

(7) The department may establish and maintain a short-wave radio station in order to report motor vehicle registration information to the highway patrol, to sheriffs, and to the chiefs of police of each incorporated city of the state who are able to communicate with such short-wave radio station.

(8) All records shall be open to inspection during all reasonable business hours, and the department shall furnish any information from the records upon payment by the applicant of the cost of transcribing the information requested.

3. Amend 61-3-202 MCA as follows:

61-3-202. Certificate of ownership — issuance — contents — joint ownership. (1) Upon completion of the application for certificate of ownership, on forms furnished by the department, the county treasurer shall forward one copy of the application to the department, which shall enter the information contained in the application upon the corresponding records of its office and, except as provided in 61-3-103(1) and 61-3-201(2) concerning applications by creditors or secured parties, shall furnish the applicant a certificate of ownership subject to the provisions of 61-3-103.

(2) The certificate of ownership shall contain upon the face thereof:

(a) the date issued;

(b) the name and ~~complete~~ mailing and residence address or addresses of the owner or the names and addresses of joint owners;

(c) except as provided in 61-3-103, the name and complete address of any holder of a perfected security interest in the registered vehicle;

(d) a description of the registered vehicle, including the year built and serial number;

(e) except as provided in 61-3-103, the filing date of any lien against such motor vehicle; and

(f) such other statement of facts as may be determined by the department.

(3) When the names and addresses of more than one owner who are members of the same immediate family are listed on the certificate of ownership, joint ownership with right of survivorship, and not as tenants in common, is presumed.

(4) Upon receipt of the application, the department shall recheck the application. If there is any error in the application it may be returned to the county treasurer to effectively secure the correction of such error, who shall return the same to the department.

(5) The certificate of ownership shall contain a notice to the department of a transfer of interest of the owner and such other statements as may be determined by the department.

EXHIBIT 16.
DATE 3-7-91
HB 57.

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 7 day of MAR, 1991.

Name: Susan M Miller

Address: Box H TREASURER JEFFERSON C
BOULDER MT 59632

Telephone Number: 225-4251

Representing whom?

TREASURER'S ASSOCIATION

Appearing on which proposal?

~~579~~ 579

Do you: Support? X Amend? Oppose?

Comments:

TREASURER'S WORK WITH MOTOR VEHICLES
HEAR PUBLIC CONCERNS & ARE AWARE
OF CHANGES THAT WOULD BE ADVANTAGEOUS
EXPANDING TO 12 MONTH RENEWAL PERIODS
RENEWAL CARD ON ALL REGISTERED VEHICLES
COMMON EFFECTIVE DATE OF JAN 1 ON
ALL LAWS PERTINENT TO MOTOR VEHICLES
& A STATEWIDE COUNTY LEVEL
COMPUTER SYSTEM WOULD HELP THE
CURRENT SYSTEM WITHOUT MAJOR
OVERHAUL

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

1062

DATE 3-7-91 SPONSOR(S) Rep. W. Driscoll COMMITTEE Highways BILL NO. HB 579

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Susan M Miller Boulder	Jefferson, Treas	X	
Lorraine Harrells	Big Horn Co Treas	X	
Martin H. H. H. H.	Bozeman County Treas.	X	
Patricia A. Miller	Treas Madison Cnty	X	
Janice L. Bowen	Treas Granite Co	X	
Patricia Cook	Snake Co Treasurer	X	
Kathy Allard	Beaverhead Co Treasurer	X	
Billie Ann Bricker	Mineral Co. Treasurer	X	
MARY KAY BROWNING	RAVALLI Co. TREASURER	X	
Fleda Brammer	Broadwater Co Treas	X	
Harlow H. H. H.	Sanders Co Treasurer.	X	
DIANA L. FELTON	TOOLE Co. TREASURER	X	
Jeanie Pinkley	Sander Co. Title Co. H	X	
Susan Surgeon	Fergus Co Treasurer	X	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

VISITORS' REGISTER

Hinways Transportation COMMITTEE

2 of 2

BILL NO.

HB 579

DATE

3-7-91

SPONSOR

Rep. Russell

NAME (please print)	REPRESENTING	SUPPORT	OPPOSE
<i>Kim Harris</i>	<i>W.C. Co Treas</i>	X	
<i>Shelley Grubb</i>	<i>Blaine Co Treas.</i>	X	
<i>ALL POTLE</i>	<i>Powell Co ASSESSOR</i>	X	
<i>Dalene M. Rogers</i>	<i>Powell Co. Treas.</i>	X	
<i>Chuck Krause</i>	<i>Selma Bow Co assessor</i>	X	
<i>Kewan Bryan</i>	<i>Yellowstone County</i>	X	
<i>Arthur Klenjow</i>	<i>Blaine Co Comm.</i>	X	
<i>Dalene E. Witt</i>	<i>MACD Ties & Chouteau Co Comm.</i>	X	
<i>Ketur Benson</i>	<i>Blaine County Comm.</i>	X	
<i>Carl Harrington</i>	<i>County Treasurers Ass</i>	X	
<i>Dick Mechelt</i>	<i>Lincoln County Treasurer</i>	X	
<i>Mike Furr</i>	<i>DOA / ISD</i>		X

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

EXECUTIVE ACTION ON HB 579

Motion: REP. MCCULLOCH MOVED TO ADOPT GRAY BILL HB 579. (This replaces the original HB 579). EXHIBIT 1.

Discussion: Peter Funk, Attorney General office, Department of Justice, said in general what the bill provides for is the full automation of all counties in the state. There are 13 counties that are fully automated at this time for the vehicle and title registration. The funding that is necessary to do this is the \$1 add-on registration fee in the bill. The gray bill reflects the continuation of the \$1 fee beyond the 2 year biennium. It is a major change of the bill as drafted. The department has been adamant about this because of the duty to maintain the system once it is purchased. He said it is the department's feeling that the \$1 fee for the biennium be used to purchase and begin the set-up of the system, but allowed for no monies for continued maintenance or replacement of the system once it was in place. The \$1 fee will be unending under this bill. Other issues of importance to the department is who controls the system. In the original bill as drafted there was a Computer User Committee, which the language actually reflected that the appropriation was issued to that committee and that committee made the granting decision to the local governments where the equipment would be placed. This has been changed for the committee to have the approval right over the purchase of the equipment and the procedures which the department will develop to carry the plan forward. But the language grants that were in there have been changed, and the appropriation has been changed to go directly to the department and not to the committee. Mr. Funk said it more accurately reflects the system, and provides the level of input and control that some of the other users would like, i.e., county treasurers. There is an advisory group that is also built into the bill, but it is advisory only in terms of their authority. The membership of the advisory committee has been greatly expanded beyond the representatives of the county treasurers and the Department of Justice to include other people such as; representative from the Department of Administration for computer expertise, Montana Banker's Association, Montana Automobile Dealer's Association, and Triple A. He said these are the essential changes in the bill. He said they have been looking at in terms of appropriation, at different plans; the outright purchase of, the lease purchase of, and other options. The appropriation language that is reflected in the bill now on page 30, is based on a lease purchase plan for the computer equipment, so that the appropriation in the gray bill is fairly substantially reduced from the original fiscal note. The reasoning is to get the job done for less of an appropriation and create some excess for the general fund beyond the \$1 fee. The bill does not mandate mail reregistration. This bill leaves the mail reregistration in the same position it is in now. There is language that is built in that mandates that the department provide some sort of planning to local county treasurers concerning automated handling of mail reregistration. The county

treasurers were concerned if the mail reregistration wasn't automated that they would be overloaded.

Cort Harrington, County Treasurer's Association, said they have worked long and hard with the Motor Vehicles Division and the Department of Justice to come up with a solution that meets the needs of the county treasurers and the Department of Justice. He said amendments have been drafted that are contained in the gray bill. There are still technical flaws to the amendments that need to be corrected. A transposition in the figures that was placed in the appropriation should be \$639,000 rather than 693,000. The appropriation needs to be in a different place. He said that he and Peter Funk would be working with Ms. Lane to make additional amendments that aren't of any real substance, but will make the bill work.

REP. FELAND asked **Mr. Harrington** what the original disagreement was of the county treasurers with the other bill and is it being addressed in this bill. **Mr. Harrington** said the principle disagreement involved the state assuming the registering and reregistering of motor vehicles, this bill leaves that function to the counties.

REP. FOSTER said he is surprised at the continuation of the \$1 fee increase. Why is it going to cost as much to operate and maintain as it is to buy the system. **CHAIRMAN STANG** said it probably won't cost as much to operate and maintain, but the \$1 will be going into the state's general fund, instead of the fund that buys the computers. He said when the legislators return for each session, the county treasurers will have to come in to ask for an appropriation from the state in order to do this. It may not cost as much as they expect, and Legislature will either lower the fee to \$.50 or not give them anything. **CHAIRMAN STANG** said if they don't have the \$1 fee, it will prevent the department and the county treasurers from doing what they want to do in this bill. He said that is the decision the committee will have to make, to move forward on the automated system on a consistent basis that will take care of the problem that the auto dealers, treasurers and the Department of Justice have had, or stay with the system that is in place now and let the car thefts run rampant as they do now. He said that **Mr. Harrington** could inform the committee what will be lost if this bill isn't passed.

Mr. Harrington said when the bill was first introduced at the request of the county treasurers, it included the \$1 fee, which could be more than what is needed to purchase the equipment that the counties felt they needed. They also recognized that the Department of Justice will have an additional cost of operating the system. After the modern bill was introduced, the department felt they needed an additional funding source. Of the \$1.8 million that the \$1 fee would raise over the biennium, the treasurers may only need \$600,000 or \$700,000 of that for the equipment, the rest of the money will divert to the general fund as a source of revenue for the Department of Justice to take what

they need to operate. The only way to get that funding, was to place it in this bill.

REP. CLARK asked Dean Roberts, Motor Vehicle Division, about the \$2 fee for a 60 day sticker from the original 60 day sticker, if the registration isn't taken care of the first 60 days and an extension is needed, the fee is five times as much and he wanted to know why. Mr. Roberts said there are a lot of people that use the system, said puts the burden back on the individual that buys the car. The problem the county treasurers are having now, is the dealer uses the 20 days, than the person goes to the county treasurers office and they have to pay the taxes and fees on the 60 day sticker, they are driving on the roads and should pay that fee. He said in law that is all they can receive, but the people can call the Registrars Bureau and give them another 20 days and another 20 days and so on, because by law, they cannot be issued another 60 day sticker. What this bill does at the end of the 80 days, is to let this person know it is their responsibility to license their vehicle, and the reason for the \$10 fee.

REP. DEBRUYCKER (Jane) asked if the title and or registration is not ready at the end of the 60 days, what happens. Mr. Roberts said that is when his division goes to bat for the purchaser. This bill gives an individual an extra 60 days, presently it is 80 days to complete that transaction, 20 days if the paper work is in order and 60 more days if the paper work is not in order. After the 120 days, there is state and county cost in the process of trying to get the title for that individual. This bill will give an individual 140 days before they have to park a vehicle if the dealer or owner, the vehicle was purchased from, to get the title taken care of.

REP. TUNBY asked if the 13 counties that are already automated, receive the new equipment. Mr. Roberts said the present system that is in the 13 counties, was basically put together as a project by the counties involved and the Department of Justice. There was never any money allocated nor statutory authority allocated for that system. It was an older system that was out there and they just updated it about 4 or 5 years ago. The equipment that is in the counties now is in bad shape. The department owns about 80% of the equipment.

REP. FOSTER said the \$1 fee will be enough to buy equipment for all the counties, plus have some extra. During this 2 year period, there should be enough to cover the equipment and operating and maintenance costs. If the original language was left for the fee to sunset 2 years from now, it could be adjusted at the end of the sunset. He said the committee is raising taxes on a general fund basis.

CHAIRMAN STANG asked Mr. Roberts why the sunset was taken off. Mr. Roberts said operation maintenance does not mean, just that piece of terminal. They pay \$150 per month to the Department of Administration for every line charge that is out there. He said

there are 13 lines out there now, and they will be automating the rest of the counties at \$150 per unit per month. Maintaining a system that takes data programmers to do, every change that is made, i.e., Legislature, is a support system with a statewide computer system. The Motor Vehicle system with its present data, is the largest system in the state of Montana. People need to be maintaining this system. Maintenance costs that are paid to companies that keep the equipment fixed, e.g., if a computer or printer breaks down. There is always an ongoing process of operating a very massive system.

CHAIRMAN STANG spoke to REP. FOSTER'S concern. He said if the committee sunsets this, and the next Legislature decides that the \$1 fee isn't needed, they will have wasted \$2 million on a computer system that would be worthless. At this time, the commitment needs to be made to do this or not to do it. It isn't logical to go out and buy a computer system that costs \$1½ million and come back in 2 years and decide not to fund it anymore. He said this committee has to make the decision if they want to start that system. The fee increase is a tough decision to make, but if the decision is to go with the system, it is an ongoing process and the fee is needed.

Motion/Vote: REP. FOSTER moved to adopt amendment to sunset the \$1 fee in 2 years. Roll call vote was taken. EXHIBIT 1-A. Motion FAILED 6 to 10.

Motion/Vote: REP. BERGSAGEL called the question. Voice vote was taken.

Vote: HB 579 DO PASS AS AMENDED. Motion CARRIED 13 to 3 with REP. FOSTER, REP. BERGSAGEL and REP. FELAND voting no.

EXECUTIVE ACTION ON SB 164

Motion: REP. ELLIS MOVED SB 164 BE CONCURRED IN.

Discussion: This bill creates the Department of Transportation (DOT).

CHAIRMAN STANG proposed an amendment that will include transportation and motor carrier services.

REP. TUNBY moved to adopt amendment #1. Voice vote was taken. Motion CARRIED unanimously. EXHIBIT 2

REP. MADISON moved to adopt amendment #2. EXHIBIT 3 REP. MADISON spoke to his motion. This amendment removes the Motor Fuels Tax Division from the Department of Highways. Motor fuels tax is a tax collecting agency. Tax collection agencies belong in the Department of Revenue.

REP. TUNBY asked if someone could speak to this request. Jack Ellery, Department of Revenue, said the main purpose of this

HOUSE OF REPRESENTATIVES

HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL

DATE 3-20-91

NAME	PRESENT	ABSENT	EXCUSED
REP. FLOYD "BOB" GERVAIS, V.-CHAIR	✓		
REP. ERNEST BERGSAGEL	✓		
REP. ROBERT CLARK	✓		
REP. JANE DEBRUYCKER	✓		
REP. ALVIN ELLIS, JR.	✓		
REP. GARY FELAND	✓		
REP. MIKE FOSTER	✓		
REP. PATRICK GALVIN	✓		
REP. DICK KNOX	✓		
REP. DON LARSON	✓		
REP. SCOTT MCCULLOCH	✓		
REP. JIM MADISON	✓		
REP. LINDA NELSON	✓		
REP. DON STEPPLER	✓		
REP. HOWARD TOOLE			✓
REP. ROLPH TUNBY	✓		
REP. BARRY "SPOOK" STANG, CHAIRMAN	✓		

HOUSE STANDING COMMITTEE REPORT

March 22, 1991

Page 1 of 15

Mr. Speaker: We, the committee on Highways and Transportation report that House Bill 579 (first reading copy -- white) do pass as amended .

Signed: Barry Stang, Chairman

And, that such amendments read:

1. Title, line 9.

Strike: "THAT"

Insert: "PROCEDURES FOR AUTOMATED HANDLING OF"

2. Title, line 10.

Strike: "CONTAIN BAR CODING"

3. Title, line 11.

Following: "ISSUED"

Insert: "AND AUTHORIZING AN ADDITIONAL 60-DAY PERIOD"

4. Title, lines 18 and 19.

Following: "THE" on line 18

Strike: remainder of line 18 through "COMMITTEE" on line 19

Insert: "DEPARTMENT OF JUSTICE"

5. Title, line 19.

Following: "1-2-201,"

Insert: "61-3-101, 61-3-201, 61-3-202,"

Following: "61-3-342,"

Insert: "61-3-503,"

6. Title, line 20.

Following: "DATE"

Strike: ","

Insert: "AND"

7. Title, line 21.

Strike: ", AND A TERMINATION DATE"

8. Page 2, line 10.

Following: "the"

Strike: "users' advisory group"

Insert: "county motor vehicle computer committee"

9. Page 2, lines 10 through 13.

Following: "." on line 10

Strike: remainder of line 10 through "group." on line 13

10. Page 3, line 12.

Following: line 11

Insert: "Section 2. Section 61-3-101, MCA, is amended to read:

"61-3-101. Duties of department -- records. (1) The department shall keep a record as hereinafter specified of all motor vehicles, trailers, and semitrailers of every kind, and of certificates of registration and ownership thereof, and of all manufacturers and dealers in motor vehicles.

(2) ~~In the case of motor vehicles, trailers, and semitrailers, the~~ The record shall must show the following:

(a) name of owner, residence address by street or rural route, town, and county, and ~~business address~~ mailing address if different than residence address;

(b) name and address of conditional sales vendor, mortgagee, or other lienholder and amount due under contract or lien;

(c) manufacturer of car;

(d) manufacturer's designation of style of car or vehicle;

(e) identifying number;

(f) year of manufacture;

(g) character of motive power and shipping weight of car as shown by the manufacturer;

(h) the distinctive license number assigned to the vehicle;

(i) if a truck or trailer, the number of tons' capacity or GVW if imprinted on manufacturer's identification plate;

(j) such other information as may from time to time be found desirable.

(3) The department shall file applications for registration received by it from the county treasurers of the state and register the vehicles ~~therein described~~ and the vehicle owners ~~thereof in suitable books or on index cards,~~ as follows:

(a) under the distinctive license number assigned to the vehicle by the county treasurer;

(b) alphabetically under the name of the owner;

(c) numerically under make and identifying number of the vehicle;

(d) such other index of registration as the department considers expedient.

(4) Vehicle registration records and indexes and driver's license records and indexes may be maintained by electronic recording and storage media.

(5) In the case of dealers, the records shall show the

information contained in the application for dealer's license as required by 61-4-101 through 61-4-105, as well as the distinctive license number assigned to the dealer.

(6) In order to prevent an accumulation of unneeded records and files, ~~regardless of any other statutory requirements, the department shall have the authority and it shall be its duty to~~ may destroy all records and files ~~which have ceased to be of any value that relate to vehicles that have not been registered within the preceding 4 years and that do not have an active lien.~~

~~(7) The department may establish and maintain a short wave radio station in order to report motor vehicle registration information to the highway patrol, to sheriffs, and to the chiefs of police of each incorporated city of the state who are able to communicate with such short wave radio station.~~

~~(8)~~ (7) All records shall be open to inspection during all reasonable business hours, and the department shall furnish any information from the records upon payment by the applicant of the cost of ~~transcribing~~ the information requested. Prior to providing the information, the department may require the applicant to provide identification."

Section 3. Section 61-3-201, MCA, is amended to read:

"61-3-201. Transfer of interest -- cancellation of erroneous certificate of ownership or registration. (1) Upon a transfer of any interest in a motor vehicle registered under the provisions of this chapter, the person whose interest is to be transferred shall write his signature with pen and ink upon the certificate of ownership issued for the vehicle in the appropriate space provided upon the reverse side of the certificate, and the signature must be acknowledged before the county treasurer, a deputy county treasurer, an elected official authorized to acknowledge signatures, an employee of the department, or a notary public.

(2) Within 20 calendar days after endorsement, the transferee shall forward both the endorsed certificate of ownership with the odometer mileage statement required under 61-3-206 and the certificate of registration, together with the information required under 61-3-202, to the county treasurer, who shall forward them to the department. The department may not issue a certificate of ownership or certificate of registration until the outstanding certificates are surrendered to that office or their loss is established to its reasonable satisfaction. Failure to make application within the 20-day grace period subjects the transferee to a penalty of \$10. The county treasurer shall collect the penalty at the time of registration. The penalty is in addition to the fees otherwise provided by law. If the transferee does not make application within 25 days, a creditor or secured party may pay the fees for the transfer of title and filing of security interest or lien in order to have

title transferred to the transferee and have the security interest or lien filed. The creditor or secured party is not liable for the penalty, registration fees, or taxes. The department shall return the certificate of title to the county treasurer as provided in 61-3-103(1). When the certificate of ownership is returned by the department to the county treasurer, the treasurer shall hold the certificate of ownership until the vehicle is properly registered.

(3) In the event of a transfer by operation of law of any interest in a motor vehicle as upon inheritance, devise, or bequest, order in bankruptcy or insolvency, execution sale, repossession upon default in the performance of the terms of a lease or executory sales contract, or otherwise than by voluntary act of the person whose title or interest is transferred, the executor, administrator, receiver, trustee, sheriff, or other representative or successor in interest of the person whose interest is transferred shall forward to the department an application for a certificate of ownership in the form required for an original application for a certificate of ownership, together with a verified or certified statement of the transfer of interest. The statement must set forth the reason for the involuntary transfer, the interest transferred, the name of the person to whom the interest is to be transferred, the process of procedure effecting the transfer, and other information requested by the department. Evidence and instruments otherwise required by law to effect a transfer of legal or equitable title to or an interest in chattels as may be required in such cases must be furnished with the statement. If the department is satisfied that the transfer is regular and that all formalities required by law have been complied with, it shall send to the owner, conditional sales vendor, lessor, mortgagee, and other lienor, as shown by its records, notice of the intended transfer and, not less than 5 days after sending notice, shall issue a new certificate of ownership and certificate of registration to the transferee. The notice required by this section is complied with by deposit in the ~~post office in Deer Lodge, Montana~~ U.S. mail of the notice, postage prepaid, addressed to the person at the respective address shown on its records.

(4) When the vehicle certificate of ownership that is involuntarily transferred is not registered in this state, the procedure in subsection (3) must be followed in applying for a new certificate of ownership and certificate of registration but the department need not send notice of intended transfer and shall issue a new certificate of ownership and a new certificate of registration to the person entitled to them.

(5) (a) If the owner of one or more motor vehicles, trailers, semitrailers, or house trailers registered under this chapter and not exceeding a combined value of \$15,000 dies without leaving other property necessitating the procuring of

letters of administration or letters testamentary, the surviving spouse or other heir unless the property is by will otherwise bequeathed may secure transfer of the decedent's certificate of ownership and the certificate of registration for the vehicle.

(b) The person seeking transfer of the certificate of ownership shall file an affidavit with the department setting forth the fact of survivorship and the name and address of any other heirs and other facts as are necessary under subsection (5)(a) to entitle the affiant to a transfer.

(c) The department is authorized to transfer the certificate of ownership and certificate of registration, subject to all security interests shown by its records, upon receipt of an affidavit showing that the affiant is entitled to a transfer under the provisions of subsection (5)(a) of this section.

(6) Nothing in subsection (5) prevents any secured party from assigning his interest in a motor vehicle registered under the provisions of this chapter to any other person without the consent of and without affecting the interest of the holder of the certificate of ownership and certificate of registration. Upon any assignment by a secured party of his security interest in any motor vehicle registered under this chapter, a copy of the assignment must be filed with the department and a record of the assignment made upon its records.

(7) The certificate of ownership is valid until canceled by the department upon a transfer of any interest shown in the certificate, and annual renewal is not needed.

(8) (a) Upon its determination that a certificate of ownership or a registration receipt contains an error caused by the department, or that the applicant has paid the required fees and taxes with an insufficient funds check and if the department has been notified of that fact by the county attorney, the department may cancel the certificate of ownership or receipt and, in the case of an error, issue a replacement for the erroneous certificate or receipt if the owner has returned the certificate or receipt to be canceled. If the owner fails to return to the department the certificate of ownership, the registration receipt, or the license plate, the department shall direct a peace officer or department employee to secure and return the certificate, receipt, or license plate to the department.

(b) Any person who fails to return a certificate of ownership or a registration receipt issued with that contains an error caused by the department or that has been canceled by the department due to an insufficient funds check, as provided in subsection (8)(a), after receiving actual notice of the department's demand for the return of the certificate or receipt, as required by subsection (8)(a), is guilty of a misdemeanor and upon conviction may be fined an amount not to exceed \$500."

Section 4. Section 61-3-202, MCA, is amended to read:

"61-3-202. Certificate of ownership -- issuance -- contents -- joint ownership. (1) Upon completion of the application for certificate of ownership, on forms furnished by the department, the county treasurer shall forward one copy of the application to the department, which shall enter the information contained in the application upon the corresponding records of its office and, except as provided in 61-3-103(1) and 61-3-201(2) concerning applications by creditors or secured parties, shall furnish the applicant a certificate of ownership subject to the provisions of 61-3-103.

(2) The certificate of ownership shall contain upon the face thereof:

- (a) the date issued;
- (b) the name and ~~complete~~ mailing and residence address of the owner or the names and addresses of joint owners;
- (c) except as provided in 61-3-103, the name and complete address of any holder of a perfected security interest in the registered vehicle;
- (d) a description of the registered vehicle, including the year built and serial number;
- (e) except as provided in 61-3-103, the filing date of any lien against such motor vehicle; and
- (f) such other statement of facts as may be determined by the department.

(3) When the names and addresses of more than one owner who are members of the same immediate family are listed on the certificate of ownership, joint ownership with right of survivorship, and not as tenants in common, is presumed.

(4) Upon receipt of the application, the department shall recheck the application. If there is any error in the application, it may be returned to the owner or to the county treasurer to effectively secure the correction of such error, who shall return the same to the department.

(5) The certificate of ownership shall contain a notice to the department of a transfer of interest of the owner and such other statements as may be determined by the department."

Renumber: subsequent sections

11. Page 4, line 16.

Following: "sticker."

Insert: "(1)"

12. Page 4, lines 17 and 18.

Following: "to" on line 17

Strike: remainder of line 17 through "treasurer" on line 18

Insert: "fully complete the process of applying for a Montana title"

13. Page 5, line 15.

Following: line 14

Insert: "(2) A vehicle for which an application for title cannot be completed may not be registered by the county treasurer nor may license plates for the vehicle be issued by the county treasurer until the completed certificate of ownership or application for title is presented for the purpose of transferring ownership.

(3) In the event an unusual circumstance prevents the owner of a vehicle from presenting the certificate of ownership within the 60-day period permitted under subsection (1), the owner may apply to the motor vehicle division for an extended temporary window sticker on an application form provided by the division. The form must be accompanied by the title application.

(4) Upon receipt of an application for an extended temporary window sticker and title as designated in subsection (3), the motor vehicle division or the county treasurer, with the authorization of the motor vehicle division, may issue an extended temporary window sticker, valid for an additional 60 days, upon payment of a fee of \$10 that must be deposited in the general fund. At the end of the extended 60-day period or in the event the request for extension is rejected by the department for cause, the owner may obtain a certificate of ownership by the method provided in 61-3-208.

Section 7. Section 61-3-503, MCA, is amended to read:

"61-3-503. (Temporary) Assessment. (1) Except as provided in 61-3-520 and subsection (2) of this section, the following apply to the taxation of motor vehicles:

(a) Except as provided in subsections (1)(c) through (1)(e) person who files an application for registration or reregistration of a motor vehicle shall before filing the application with the county treasurer submit the application to the county assessor. The county assessor shall enter on the application in a space to be provided for that purpose the market value and taxable value of the vehicle as of January 1 of the year for which the application for registration is made.

(b) Except as provided in subsection (1)(c), motor vehicles are assessed for taxes on January 1 in each year irrespective of the time fixed by law for the assessment of other classes of personal property and irrespective of whether the levy and tax may be a lien upon real property within the state. A motor vehicle is not subject to assessment, levy, and taxation more than once in each year.

(c) Vehicles subject to the provisions of 61-3-313 through 61-3-316 ~~shall~~ must be assessed as of the first day

of the registration period, using the average trade-in or wholesale value as of January 1 of the year of assessment of the vehicle as contained in the most recent volume of the Mountain States Edition of the National Automobile Dealers Association (N.A.D.A.) Official Used Car Guide, the National Edition of N.A.D.A. Appraisal Guides Official Older Used Car Guide, or another nationally published used vehicle or appraisal guide approved by the department of revenue or, for a vehicle that was never listed in any edition of the preceding guides, the retail value of the vehicle as determined by the county assessor, and thereafter depreciated 10% per year until a value of \$500 is reached, not including additions or deductions for options and mileage but including additions or deductions, whether or not one of the preceding guides is used, for diesel engines; and a lien for taxes and fees due on the vehicle shall occur on the anniversary date of the registration and shall continue until the fees and taxes have been paid. If the value shown in any of the appraisal guides listed in this section is less than \$500, the department shall value the vehicle at \$500.

(d) Motorcycles and quadricycles ~~shall~~ must be assessed, using the greater of the following:

(i) \$250; or

(ii) the average trade-in or wholesale value as of January 1 of the year of assessment of the vehicle as contained in the most recent volume of the applicable National Edition of the N.A.D.A. Motorcycle/Moped/ATV Appraisal Guide or N.A.D.A. Recreational Vehicle Appraisal Guide or another nationally published used vehicle or appraisal guide approved by the department of revenue, not including additions or deductions for options and mileage.

(e) If a vehicle assessed under subsection (1)(c) or (1)(d) is not originally listed in the applicable N.A.D.A. guide or other approved guide, the department of revenue or its agent shall depreciate the original f.o.b. factory list price, f.o.b. port-of-entry list price, or the manufacturer's suggested list price, using the following methods:

(i) if the new car sales tax has been previously paid and the vehicle is less than 1 year in age, the depreciation percentage shall be 20%; or

(ii) if the vehicle is 1 year or older in age and it is not listed in any of the appraisal guides listed in this section, the department of revenue shall determine the depreciation percentage to approximate the average wholesale or trade-in values in the current N.A.D.A. guides or other approved guides referred to in this subsection. For purposes of this subsection (1), the age of the vehicle is determined

by subtracting the manufacturer's model year of the vehicle from the calendar year of assessment.

(f) When a minimum value of \$500 is reached, the value shall remain at that minimum so long as the vehicle is registered.

(g) If a previously registered vehicle is no longer listed in the applicable N.A.D.A. guide or other approved guide, the department or its agent shall depreciate the value of the vehicle at the rate of 10% a year until a minimum amount of \$500 is attained, and the value shall remain at that amount so long as the vehicle is registered.

(2) The provisions of subsections (1)(a) through (1)(g) do not apply to motor homes, travel trailers, campers, or mobile homes as defined in 15-1-101(1).
(Terminates December 31, 1993--sec. 11, Ch. 525, L. 1989.)

61-3-503. (Effective January 1, 1994) Assessment. (1) Except as provided in subsection (2), the following apply to the taxation of motor vehicles:

(a) Except as provided in subsections (1)(c) through (1)(e), a person who files an application for registration or reregistration of a motor vehicle shall before filing such application with the county treasurer submit the application to the county assessor. The county assessor shall enter on the application in a space to be provided for that purpose the market value and taxable value of the vehicle as of January 1 of the year for which the application for registration is made.

(b) Except as provided in subsection (1)(c), motor vehicles are assessed for taxes on January 1 in each year irrespective of the time fixed by law for the assessment of other classes of personal property and irrespective of whether the levy and tax may be a lien upon real property within the state. In no event may any motor vehicle be subject to assessment, levy, and taxation more than once in each year.

(c) Vehicles subject to the provisions of 61-3-313 through 61-3-316 ~~shall~~ must be assessed as of the first day of the registration period, using the average trade-in or wholesale value as of January 1 of the year of assessment of the vehicle as contained in the most recent volume of the Mountain States Edition of the National Automobile Dealers Association (N.A.D.A.) Official Used Car Guide, the National Edition of N.A.D.A. Appraisal Guides Official Older Used Car Guide, or another nationally published used vehicle or appraisal guide approved by the department of revenue or, for a vehicle that was never listed in any edition of the preceding guides, the retail value of the vehicle as

determined by the county assessor, and thereafter depreciated 10% per year until a value of \$500 is reached, not including additions or deductions for options and mileage but including additions or deductions, whether or not one of the preceding guides is used, for diesel engines; and a lien for taxes and fees due on the vehicle shall occur on the anniversary date of the registration and shall continue until the fees and taxes have been paid. If the value shown in any of the appraisal guides listed in this section is less than \$500, the department shall value the vehicle at \$500.

(d) Motorcycles and quadricycles shall be assessed, using the greater of the following:

(i) \$250; or

(ii) the average trade-in or wholesale value as of January 1 of the year of assessment of the vehicle as contained in the most recent volume of the applicable National Edition of the N.A.D.A. Motorcycle/Moped/ATV Appraisal Guide or N.A.D.A. Recreational Vehicle Appraisal Guide or another nationally published used vehicle or appraisal guide approved by the department of revenue, not including additions or deductions for options and mileage.

(e) If a vehicle assessed under subsection (1) (c) or (1) (d) is not originally listed in the applicable N.A.D.A. guide or other approved guide, the department of revenue or its agent shall depreciate the original f.o.b. factory list price, f.o.b. port-of-entry list price, or the manufacturer's suggested list price, using the following methods:

(i) if the new car sales tax has been previously paid and the vehicle is less than 1 year in age, the depreciation percentage shall be 20%; or

(ii) if the vehicle is 1 year or older in age and it is not listed in any of the appraisal guides listed in this section, the department of revenue shall determine the depreciation percentage to approximate the average wholesale or trade-in values in the current N.A.D.A. guides or other approved guide referred to in this subsection. For purposes of this subsection (1), the age of the vehicle is determined by subtracting the manufacturer's model year of the vehicle from the calendar year of assessment.

(f) When a minimum value of \$500 is reached, the value shall remain at that minimum so long as the vehicle is registered.

(g) If a previously registered vehicle is no longer listed in the applicable N.A.D.A. guide or other approved guide, the department or its agent shall depreciate the value of the vehicle at the rate of 10% a year until a minimum amount of \$500 is attained, and the value shall

remain at that amount so long as the vehicle is registered.

(2) The provisions of subsections (1)(a) through (1)(g) do not apply to motor homes, travel trailers, campers, or mobile homes as defined in 15-1-101(1)."

Renumber: subsequent sections

14. Page 5, line 18.

Following: "of"

Strike: "An"

Insert: "Except as provided in subsection (2), an"

15. Page 6, line 4.

Following: "reregistration"

Insert: "and only if the value, age, length, or other criteria used to determine the tax or fee is available to the department"

16. Page 6, lines 8 through 11.

Following: "must" on line 8

Strike: remainder of line 8 through "applicant" on line 11

Insert: "include a procedure to facilitate automated handling of mail reregistration or recertification"

17. Page 6, line 14.

Following: "statement"

Strike: ", to be subscribed to by"

Insert: "that"

Following: "applicant"

Strike: ", "

18. Page 6, line 15.

Strike: "stating"

Insert: "is in"

19. Page 6, line 25 through page 7, line 13.

Following: "recertification." on line 25

Strike: remainder of line 25 through page 7, line 13

Insert: "The mail renewal procedure developed by the department of justice pursuant to 61-3-535 may be used for mail recertification of boats, the renewal of license decals, and the payment of the fee in lieu of tax."

20. Page 7, line 15 through page 8, line 3.

Following: "recertification." on line 15

Strike: remainder of line 15 through page 8, line 3

Insert: "The mail renewal procedure developed by the department of justice pursuant to 61-3-535 may be used for mail recertification of snowmobiles, the renewal of license decals, and the payment of the fee in lieu of tax."

21. Page 8, lines 5 through 18.

Following: "recertification." on line 5

Strike: remainder of line 5 through line 18

Insert: "The mail renewal procedure developed by the department of justice pursuant to 61-3-535 may be used for mail recertification of off-highway vehicles, the renewal of license decals, and the payment of the fee in lieu of tax."

22. Page 8, lines 20 through 22.

Following: "department" on line 20

Strike: remainder of line 20 through "an" on line 22

Insert: "shall maintain a statewide"

23. Page 8, lines 22 and 23.

Following: "system" on line 22

Strike: remainder of line 22 through "state" on line 23

24. Page 9, line 1.

Following: "department"

Strike: "of justice"

25. Page 9, line 2.

Following: "group"

Strike: "provided for in subsection (1),"

26. Page 9, lines 3 and 4.

Following: "development" on line 3

Strike: remainder of line 3 through "(1)" on line 4

Insert: "of policies governing the registration and reregistration of motor vehicles, boats, snowmobiles, and off-highway vehicles"

27. Page 9, lines 5 through 12.

Following: line 4

Strike: line 5 through "group." on line 12

Insert: "be appointed by the attorney general and must include:

(a) an employee of the department of administration, data processing division, selected by the division administrator;

(b) two county treasurers, selected by the Montana county treasurers association;

(c) one county motor vehicle section supervisor, selected by the Montana county treasurers association;

(d) a county assessor, selected by the director of the department of revenue;

(e) an employee of the department of justice, data processing division, selected by the division administrator;

(f) an employee of the department of justice, motor vehicle division, registrar's bureau, selected by the

division administrator;

(g) an employee of the department of justice, motor vehicle division, driver services bureau, selected by the division administrator;

(h) a member of the Montana bankers' association, selected by the association director;

(i) a member of the Montana automobile dealers association, selected by the association director; and

(j) a member or employee of the Montana American automobile association, selected by the association director.

(3) Committee members who are not employees of the state of Montana shall serve a term of 2 years, and state employee members shall serve at the pleasure of the attorney general.

(4) Travel and per diem expenses for the committee must be charged to the motor vehicle division.

(5) Secretarial and support services for the committee must be provided by the motor vehicle division.

(6) The committee shall meet no more than four times a year unless specifically called by the attorney general."

28. Page 10, lines 5 and 6.

Following: "(a)" on line 5

Strike: remainder of line 5 through "peripherals," on line 6

Insert: "establish the requirements and specifications for the county motor vehicle computer system to be"

29. Page 10, lines 9 and 10.

Following: "(b)" on line 9

Strike: remainder of line 9 through "purchase" on line 10

Insert: "approve the purchase of"

30. Page 10, lines 14 and 15.

Following: "(c)" on line 14

Strike: remainder of line 14 through "justice" on line 15

Insert: "approve the procedures"

31. Page 10, line 16.

Strike: "8"

Insert: "12"

32. Page 10, lines 18 through 21.

Strike: subsection (2) in its entirety

Insert: "(2) As used in this section, "computer system" means the county motor vehicle application system and does not include the central computer centers or imply that the department of administration is responsible for establishing policy and operating and maintaining central computer

centers."

33. Page 11, line 11.

Strike: "county motor vehicle computer"

Insert: "state general"

34. Page 11, lines 12 through 20.

Strike: section 12 in its entirety

Insert: "NEW SECTION. Section 16. Appropriation. There is appropriated from the general fund to the department of justice \$639,300 in fiscal year 1992 and \$837,900 in fiscal year 1993 to fund the continued development and operation of the statewide motor vehicle computer system."

35. Page 11, line 22.

Following: "applicability"

Strike: "-- termination"

Following: "."

Strike: "(1)"

36. Page 12, line 1.

Strike: subsection (2) in its entirety

37. Page 12, line 3.

Strike: "5"

Insert: "9"

38. Page 12, line 5.

Strike: "5"

Insert: "9"

39. Page 12, line 6.

Strike: "6"

Insert: "10"

40. Page 12, line 9.

Strike: "6"

Insert: "10"

41. Page 12, line 10.

Strike: "7"

Insert: "11"

42. Page 12, line 13.

Strike: "7"

Insert: "11"

43. Page 12, line 14.

Insert: "(4) [Sections 12 through 14] are intended to be

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codified as an integral part of Title 61, chapter 3, part 3, and the provisions of Title 61, chapter 3, part 3, apply to [sections 12 through 14].

(5) [Section 15] is intended to be codified as an integral part of Title 61, chapter 3, part 5, and the provisions of Title 61, chapter 3, part 5, apply to [section 15]."

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EXHIBIT 1.

HB 0579/gray

DP AA
3/20/92
3/20 HB 579

VALENZUELA

Review
title

2. B31, 1

3. B30, 2

4. B31, 1

5. B30, 2

6. B31, 1

7. B30, 2

8. B31, 1

9. B30, 2

10. B31, 1

11. B30, 2

12. B31, 1

13. B30, 2

14. B31, 1

15. B30, 2

16. B31, 1

17. B30, 2

18. B31, 1

19. B30, 2

20. B31, 1

21. B30, 2

22. B31, 1

HOUSE BILL NO. 579

INTRODUCED BY DRISCOLL, MCCAFFREE, STANG, WHALEN, KEATING,

HARDING, HARP, O'KEEFE, GRINDE, SVRCEK, D. BROWN, DAILY,

MADISON, NATHE

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
MOTOR VEHICLE LAWS; INCREASING THE NUMBER OF REGISTRATION ?

PERIODS FROM 10 TO 12; PROVIDING FOR MAIL RENEWAL CARDS FOR
LIGHT VEHICLES, MOTOR HOMES, CAMPERS, TRAVEL TRAILERS,

BOATS, SNOWMOBILES, MOTORCYCLES, QUADRICYCLES, AND
OFF-HIGHWAY VEHICLES; REQUIRING ^{procedure for automaticity of} THAT MAIL RENEWAL CARDS ?

~~CONTAIN BAR CODING~~; REQUIRING THAT ALL TAXES AND FEES BE
PAID BEFORE A 60-DAY STICKER MAY BE ISSUED; PROVIDING THAT

ALL STATUTES AFFECTING MOTOR VEHICLES BE EFFECTIVE JANUARY 1
OF THE FOLLOWING YEAR; PROVIDING FOR THE DEVELOPMENT OF A

STATEWIDE COMPUTER SYSTEM; INCREASING THE REGISTRATION FEES
FOR MOTOR VEHICLES, BOATS, SNOWMOBILES, AND OFF-HIGHWAY

VEHICLES TO IMPLEMENT THE STATEWIDE COMPUTER SYSTEM;
ESTABLISHING A COUNTY MOTOR VEHICLE COMPUTER COMMITTEE;

APPROPRIATING MONEY TO THE COUNTY MOTOR VEHICLE COMPUTER
COMMITTEE; AMENDING SECTIONS 1-2-201, 61-3-101, 61-3-201,

61-3-202, 61-3-314, 61-3-342, 61-3-503, AND 61-3-535, MCA;
AND PROVIDING AN EFFECTIVE DATE, AN APPLICABILITY PROVISION,

AND A TERMINATION DATE."

1 STATEMENT OF INTENT

2 A statement of intent is required for this bill because
3 it grants additional rulemaking authority to the department
4 of justice. The department shall adopt rules to develop a
5 procedure for the registration or reregistration of motor
6 vehicles, boats, snowmobiles, travel trailers, campers,
7 motor homes, and off-highway vehicles. The department shall
8 create a users' advisory group to assist the department in
9 creating and operating a county motor vehicle computer
10 system to be used jointly by the department and county
11 treasurers and their employees. The department shall make
12 policy decisions necessary to develop and implement the
13 computer system jointly with the users' advisory group. The
14 department may not adopt a computer system or make changes
15 to the computer system without approval by the users'
16 advisory group.

17
18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

19 **Section 1.** Section 1-2-201, MCA, is amended to read:

20 "1-2-201. Statutes -- effective date. (1) (a) Except as
21 provided in subsection (1)(b) or (1)(c), Every every statute
22 adopted after January 1, 1981, ~~except those that provide for~~
23 ~~appropriation--by--the--legislature--of--public--funds--for--a~~
24 ~~public-purpose,~~ takes effect on the first day of October
25 following its passage and approval unless a different time

1 is prescribed therein.

2 (b) Every statute providing for appropriation as
 3 ~~specified--in--this-subsection~~ by the legislature for public
 4 funds for a public purpose takes effect on the first day of
 5 July following its passage and approval unless a different
 6 time is prescribed therein.

7 (c) Every statute providing for taxation or the
 8 imposition of a fee on motor vehicles takes effect on the
 9 first day of January following its passage and approval
 10 unless a different time is prescribed therein.

11 (2) "Passage", as used in subsection (1), means the
 12 enactment into law of a bill which has passed the
 13 legislature either with or without the approval of the
 14 governor, as provided in the constitution."

15 **SECTION 2. SECTION 61-3-101, MCA, IS AMENDED TO READ:**

16 "61-3-101. Duties of department -- records. (1) The
 17 department shall keep a record as hereinafter specified of
 18 all motor vehicles, trailers, and semitrailers of every
 19 kind, and of certificates of registration and ownership
 20 thereof, and of all manufacturers and dealers in motor
 21 vehicles.

22 (2) ~~In--the--case--of--motor--vehicles,--trailers,--and~~
 23 ~~semitrailers,--the~~ The record shall must show the following:

24 (a) name of owner, residence address by street or rural
 25 route, town, and county, and ~~business--address~~ mailing

address if different than residence address;

(b) name and address of conditional sales vendor, mortgagee, or other lienholder and amount due under contract or lien;

(c) manufacturer of car;

(d) manufacturer's designation of style of car or vehicle;

(e) identifying number;

(f) year of manufacture;

(g) character of motive power and shipping weight of car as shown by the manufacturer;

(h) the distinctive license number assigned to the vehicle;

(i) if a truck or trailer, the number of tons' capacity or GVW if imprinted on manufacturer's identification plate;

(j) such other information as may from time to time be found desirable.

(3) The department shall file applications for registration received by it from the county treasurers of the state and register the vehicles therein--described and the vehicle owners thereof in-suitable-books-or-on-index cards, as follows:

(a) under the distinctive license number assigned to the vehicle by the county treasurer;

(b) alphabetically under the name of the owner;

1 (c) numerically under make and identifying number of
2 the vehicle;

3 (d) such other index of registration as the department
4 considers expedient.

5 (4) Vehicle registration records and indexes and
6 driver's license records and indexes may be maintained by
7 electronic recording and storage media.

8 (5) In the case of dealers, the records shall show the
9 information contained in the application for dealer's
10 license as required by 61-4-101 through 61-4-105, as well as
11 the distinctive license number assigned to the dealer.

12 (6) In order to prevent an accumulation of unneeded
13 records and files, regardless of any other statutory
14 requirements, the department ~~shall have the authority and it~~
15 ~~shall be its duty to~~ may destroy all records and files which
16 ~~have--ceased-to-be-of-any-value~~ that relate to vehicles that
17 have not been registered within the preceding 4 years and
18 that do not have an active lien.

19 ~~{7}--The---department---may--establish--and--maintain--a~~
20 ~~short-wave-radio-station-in-order-to--report--motor--vehicle~~
21 ~~registration-information-to-the-highway-patrol--to-sheriffs--~~
22 ~~and-to-the-chiefs-of-police-of-each-incorporated-city-of-the~~
23 ~~state-who-are-able-to-communicate-with-such-short-wave-radio~~
24 ~~station--~~

25 ~~{8}{7}~~ All records shall be open to inspection during

1 all reasonable business hours, and the department shall
2 furnish any information from the records upon payment by the
3 applicant of the cost of transcribing the information
4 requested. Prior to providing the information, the
5 department may require the applicant to provide
6 identification."

7 **SECTION 3. SECTION 61-3-201, MCA, IS AMENDED TO READ:**

8 "61-3-201. Transfer of interest -- cancellation of
9 erroneous certificate of ownership or registration. (1) Upon
10 a transfer of any interest in a motor vehicle registered
11 under the provisions of this chapter, the person whose
12 interest is to be transferred shall write his signature with
13 pen and ink upon the certificate of ownership issued for the
14 vehicle in the appropriate space provided upon the reverse
15 side of the certificate, and the signature must be
16 acknowledged before the county treasurer, a deputy county
17 treasurer, an elected official authorized to acknowledge
18 signatures, an employee of the department, or a notary
19 public.

20 (2) Within 20 calendar days after endorsement, the
21 transferee shall forward both the endorsed certificate of
22 ownership with the odometer mileage statement required under
23 61-3-206 and the certificate of registration, together with
24 the information required under 61-3-202, to the county
25 treasurer, who shall forward them to the department. The

1 department may not issue a certificate of ownership or
2 certificate of registration until the outstanding
3 certificates are surrendered to that office or their loss is
4 established to its reasonable satisfaction. Failure to make
5 application within the 20-day grace period subjects the
6 transferee to a penalty of \$10. The county treasurer shall
7 collect the penalty at the time of registration. The penalty
8 is in addition to the fees otherwise provided by law. If the
9 transferee does not make application within 25 days, a
10 creditor or secured party may pay the fees for the transfer
11 of title and filing of security interest or lien in order to
12 have title transferred to the transferee and have the
13 security interest or lien filed. The creditor or secured
14 party is not liable for the penalty, registration fees, or
15 taxes. The department shall return the certificate of title
16 to the county treasurer as provided in 61-3-103(1). When the
17 certificate of ownership is returned by the department to
18 the county treasurer, the treasurer shall hold the
19 certificate of ownership until the vehicle is properly
20 registered.

21 (3) In the event of a transfer by operation of law of
22 any interest in a motor vehicle as upon inheritance, devise,
23 or bequest, order in bankruptcy or insolvency, execution
24 sale, repossession upon default in the performance of the
25 terms of a lease or executory sales contract, or otherwise

1 than by voluntary act of the person whose title or interest
2 is transferred, the executor, administrator, receiver,
3 trustee, sheriff, or other representative or successor in
4 interest of the person whose interest is transferred shall
5 forward to the department an application for a certificate
6 of ownership in the form required for an original
7 application for a certificate of ownership, together with a
8 verified or certified statement of the transfer of interest.
9 The statement must set forth the reason for the involuntary
10 transfer, the interest transferred, the name of the person
11 to whom the interest is to be transferred, the process of
12 procedure effecting the transfer, and other information
13 requested by the department. Evidence and instruments
14 otherwise required by law to effect a transfer of legal or
15 equitable title to or an interest in chattels as may be
16 required in such cases must be furnished with the statement.
17 If the department is satisfied that the transfer is regular
18 and that all formalities required by law have been complied
19 with, it shall send to the owner, conditional sales vendor,
20 lessor, mortgagee, and other lienor, as shown by its
21 records, notice of the intended transfer and, not less than
22 5 days after sending notice, shall issue a new certificate
23 of ownership and certificate of registration to the
24 transferee. The notice required by this section is complied
25 with by deposit in the post-office-in-Deer--Bodge7--Montana7

1 U.S. mail of the notice, postage prepaid, addressed to the
2 person at the respective address shown on its records.

3 (4) When the vehicle certificate of ownership that is
4 involuntarily transferred is not registered in this state,
5 the procedure in subsection (3) must be followed in applying
6 for a new certificate of ownership and certificate of
7 registration but the department need not send notice of
8 intended transfer and shall issue a new certificate of
9 ownership and a new certificate of registration to the
10 person entitled to them.

11 (5) (a) If the owner of one or more motor vehicles,
12 trailers, semitrailers, or housetrailers registered under
13 this chapter and not exceeding a combined value of \$15,000
14 dies without leaving other property necessitating the
15 procuring of letters of administration or letters
16 testamentary, the surviving spouse or other heir unless the
17 property is by will otherwise bequeathed may secure transfer
18 of the decedent's certificate of ownership and the
19 certificate of registration for the vehicle.

20 (b) The person seeking transfer of the certificate of
21 ownership shall file an affidavit with the department
22 setting forth the fact of survivorship and the name and
23 address of any other heirs and other facts as are necessary
24 under subsection (5)(a) to entitle the affiant to a
25 transfer.

1 (c) The department is authorized to transfer the
2 certificate of ownership and certificate of registration,
3 subject to all security interests shown by its records, upon
4 receipt of an affidavit showing that the affiant is entitled
5 to a transfer under the provisions of subsection (5)(a) of
6 this section.

7 (6) Nothing in subsection (5) prevents any secured
8 party from assigning his interest in a motor vehicle
9 registered under the provisions of this chapter to any other
10 person without the consent of and without affecting the
11 interest of the holder of the certificate of ownership and
12 certificate of registration. Upon any assignment by a
13 secured party of his security interest in any motor vehicle
14 registered under this chapter, a copy of the assignment must
15 be filed with the department and a record of the assignment
16 made upon its records.

17 (7) The certificate of ownership is valid until
18 canceled by the department upon a transfer of any interest
19 shown in the certificate, and annual renewal is not needed.

20 (8) (a) Upon its determination that a certificate of
21 ownership or a registration receipt contains an error ~~caused~~
22 by the department, or the applicant has paid the required
23 fees and taxes with an insufficient funds check, and the
24 department has been notified of that fact by the county
25 attorney, the department may cancel the certificate of

1 ownership or receipt and in the case of an error issue a
2 replacement for the erroneous certificate or receipt if the
3 owner has returned the certificate or receipt to be
4 canceled. If the owner fails to return to the department the
5 certificate of ownership or the registration receipt, the
6 department shall direct a peace officer or department
7 employee to secure and return the certificate or receipt to
8 the department.

9 (b) Any person who fails to return a certificate of
10 ownership or registration receipt ~~issued-with~~ containing an
11 error ~~caused--by--the--department~~ or one which has been
12 canceled by the department due to an insufficient funds
13 check as provided in subsection (8)(a) after receiving
14 actual notice of the department's demand for the return of
15 the certificate or receipt as required by subsection (8)(a)
16 is guilty of a misdemeanor and upon conviction may be fined
17 an amount not to exceed \$500."

18 **SECTION 4. SECTION 61-3-202, MCA, IS AMENDED TO READ:**

19 "61-3-202. Certificate of ownership -- issuance --
20 contents -- joint ownership. (1) Upon completion of the
21 application for certificate of ownership, on forms furnished
22 by the department, the county treasurer shall forward one
23 copy of the application to the department, which shall enter
24 the information contained in the application upon the
25 corresponding records of its office and, except as provided

1 in 61-3-103(1) and 61-3-201(2) concerning applications by
2 creditors or secured parties, shall furnish the applicant a
3 certificate of ownership subject to the provisions of
4 61-3-103.

5 (2) The certificate of ownership shall contain upon the
6 face thereof:

7 (a) the date issued;

8 (b) the name and complete mailing and residence address
9 of the owner or the names and addresses of joint owners;

10 (c) except as provided in 61-3-103, the name and
11 complete address of any holder of a perfected security
12 interest in the registered vehicle;

13 (d) a description of the registered vehicle, including
14 the year built and serial number;

15 (e) except as provided in 61-3-103, the filing date of
16 any lien against such motor vehicle; and

17 (f) such other statement of facts as may be determined
18 by the department.

19 (3) When the names and addresses of more than one owner
20 who are members of the same immediate family are listed on
21 the certificate of ownership, joint ownership with right of
22 survivorship, and not as tenants in common, is presumed.

23 (4) Upon receipt of the application, the department
24 shall recheck the application. If there is any error in the
25 application it may be returned to the owner or to the county

1 treasurer to effectively secure the correction of such
2 error, who shall return the same to the department.

3 (5) The certificate of ownership shall contain a notice
4 to the department of a transfer of interest of the owner and
5 such other statements as may be determined by the
6 department."

7 **Section 5.** Section 61-3-314, MCA, is amended to read:

8 "61-3-314. Registration period. (1) Notwithstanding any
9 other provisions of this title regarding the registration of
10 motor vehicles, ~~commencing January--17--1976~~ all vehicles
11 subject to the provisions of 61-3-313 through 61-3-316 shall
12 be registered for 12-month periods based upon the time they
13 are first registered in this state pursuant to 61-3-313
14 through 61-3-316.

15 (2) There shall be ~~ten~~ 12 registration periods, each of
16 which shall commence on the first day of a calendar month.
17 The periods are designated as follows:

18	(a) January 1 through January 31	1st period
19	(b) February 1 through February 28/29	2nd period
20	(c) March 1 through March 31	3rd period
21	(d) April 1 through April 30	4th period
22	(e) May 1 through May 31	5th period
23	(f) June 1 through June 30	6th period
24	(g) July 1 through July 31	7th period
25	(h) August 1 through August 31	8th period

(i) September 1 through September 30 9th period

(j) October 1 through October 31 10th period

(k) November 1 through November 30 11th period

(l) December 1 through December 31 12th period

~~(3) For purposes of 61-3-313 through 61-3-316, the period November 1 through November 30 shall be considered the 10th period preceding and the period December 1 through December 31 shall be considered the first period of the year following.~~

Section 6. Section 61-3-342, MCA, is amended to read:

"61-3-342. Temporary window sticker. (1) Any purchaser of a motor vehicle who is unable to obtain license plates from the county treasurer FULLY COMPLETE THE PROCESS OF APPLYING FOR A MONTANA TITLE at the time he makes application for registration or reregistration of the vehicle because the certificate of ownership is lost, in the possession of third parties, or in the process of reissuance in this state or elsewhere may, upon making affidavit to that effect upon a form prescribed by the department and upon the payment of a all applicable fees and taxes, plus an additional fee of \$2 to be collected by the county treasurer and remitted to the department, obtain from the county treasurer of the county in which the vehicle is to be registered a temporary window sticker of such size, color, and design as the department may prescribe, to be validated

1 by the county treasurer for a period of 60 days from the
2 date of issuance. The purchaser, upon displaying the sticker
3 on the upper left-hand corner of the rear window of the
4 motor vehicle, may operate the vehicle during the period for
5 which the window sticker has been validated without
6 displaying the registration certificate or number plates or
7 plate for the current year. The county treasurer may not
8 sell, and no person may purchase, more than one 60-day
9 temporary window sticker for any vehicle, the ownership of
10 which has not changed since the issuance of the previous
11 60-day window sticker.

12 (2) A VEHICLE FOR WHICH AN APPLICATION FOR TITLE CAN
13 NOT BE COMPLETED MAY NOT BE REGISTERED BY THE COUNTY
14 TREASURER NOR MAY LICENSE PLATES FOR THE VEHICLE BE ISSUED
15 BY THE COUNTY TREASURER UNTIL THE COMPLETED CERTIFICATE OF
16 OWNERSHIP OR APPLICATION FOR TITLE IS PRESENTED FOR THE
17 PURPOSE OF TRANSFERRING OWNERSHIP.

18 (3) IN THE EVENT ANY UNUSUAL CIRCUMSTANCE PREVENTS THE
19 OWNER OF A VEHICLE REQUIRED UNDER THIS SECTION FROM
20 PRESENTING THE CERTIFICATE OF OWNERSHIP WITHIN THE 60 DAY
21 PERIOD PERMITTED UNDER SUBSECTION (1) OF THIS SECTION, THE
22 OWNER MAY APPLY TO THE MOTOR VEHICLE DIVISION FOR AN
23 EXTENDED TEMPORARY WINDOW SICKER ON AN APPLICATION FORM
24 PROVIDED BY THE DIVISION, WHICH MUST BE ACCOMPANIED BY THE
25 TITLE APPLICATION.

1 (4) UPON RECEIPT OF AN APPLICATION FOR AN EXTENDED
2 WINDOW STICKER AND TITLE AS DESIGNATED IN SUBSECTION (3),
3 THE MOTOR VEHICLE DIVISION MAY ISSUE AN EXTENDED TEMPORARY
4 WINDOW STICKER, VALID FOR AN ADDITIONAL 60 DAYS UPON PAYMENT
5 OF A FEE OF \$10 WHICH SHALL BE DEPOSITED IN THE GENERAL
6 FUND. AT THE END OF THE EXTENDED 60 DAY PERIOD OR IN THE
7 EVENT THE REQUEST FOR EXTENSION IS REJECTED BY THE
8 DEPARTMENT FOR CAUSE, THE OWNER MAY OBTAIN A CERTIFICATE OF
9 OWNERSHIP BY THE METHOD PROVIDED IN 61-3-208."

10 **SECTION 7. SECTION 61-3-503, MCA, IS AMENDED TO READ:**

11 "61-3-503. (Temporary) Assessment. (1) Except as
12 provided in 61-3-520 and subsection (2) of this section, the
13 following apply to the taxation of motor vehicles:

14 (a) Except as provided in subsections (1)(c) through
15 (1)(e), a person who files an application for registration
16 or reregistration of a motor vehicle shall before filing the
17 application with the county treasurer submit the application
18 to the county assessor. The county assessor shall enter on
19 the application in a space to be provided for that purpose
20 the market value and taxable value of the vehicle as of
21 January 1 of the year for which the application for
22 registration is made.

23 (b) Except as provided in subsection (1)(c), motor
24 vehicles are assessed for taxes on January 1 in each year
25 irrespective of the time fixed by law for the assessment of

1 other classes of personal property and irrespective of
2 whether the levy and tax may be a lien upon real property
3 within the state. A motor vehicle is not subject to
4 assessment, levy, and taxation more than once in each year.

5 (c) Vehicles subject to the provisions of 61-3-313
6 through 61-3-316 ~~shall~~ must be assessed as of the first day
7 of the registration period, using the average trade-in or
8 wholesale value as of January 1 of the year of assessment of
9 the vehicle as contained in the most recent volume of the
10 Mountain States Edition of the National Automobile Dealers
11 Association (N.A.D.A.) Official Used Car Guide, the National
12 Edition of N.A.D.A. Appraisal Guides Official Older Used Car
13 Guide, or another nationally published used vehicle or
14 appraisal guide approved by the department of revenue, or,
15 for a vehicle that was never listed in any edition of the
16 preceding guides, the retail value of the vehicle as
17 determined by the county assessor, and thereafter
18 depreciated 10% per year until a value of \$500 is reached,
19 not including additions or deductions for options and
20 mileage but including additions or deductions, whether or
21 not one of the preceding guides is used, for diesel engines;
22 and a lien for taxes and fees due on the vehicle shall occur
23 on the anniversary date of the registration and shall
24 continue until the fees and taxes have been paid. If the
25 value shown in any of the appraisal guides listed in this

1 section is less than \$500, the department shall value the
2 vehicle at \$500.

3 (d) Motorcycles and quadricycles ~~shall~~ must be
4 assessed, using the greater of the following:

5 (i) \$250; or

6 (ii) the average trade-in or wholesale value as of
7 January 1 of the year of assessment of the vehicle as
8 contained in the most recent volume of the applicable
9 National Edition of the N.A.D.A. Motorcycle/Moped/ATV
10 Appraisal Guide or N.A.D.A. Recreational Vehicle Appraisal
11 Guide, or another nationally published used vehicle or
12 appraisal guide approved by the department of revenue, not
13 including additions or deductions for options and mileage.

14 (e) If a vehicle assessed under subsection (1)(c) or
15 (1)(d) is not originally listed in the applicable N.A.D.A.
16 guide or other approved guide, the department of revenue or
17 its agent shall depreciate the original f.o.b. factory list
18 price, f.o.b. port-of-entry list price, or the
19 manufacturer's suggested list price, using the following
20 methods:

21 (i) if the new car sales tax has been previously paid
22 and the vehicle is less than 1 year in age, the depreciation
23 percentage shall be 20%; or

24 (ii) if the vehicle is 1 year or older in age and it is
25 not listed in any of the appraisal guides listed in this

1 section, the department of revenue shall determine the
2 depreciation percentage to approximate the average wholesale
3 or trade-in values in the current N.A.D.A. guides or other
4 approved guides referred to in this subsection. For purposes
5 of this subsection (1), the age of the vehicle is determined
6 by subtracting the manufacturer's model year of the vehicle
7 from the calendar year of assessment.

8 (f) When a minimum value of \$500 is reached, the value
9 shall remain at that minimum so long as the vehicle is
10 registered.

11 (g) If a previously registered vehicle is no longer
12 listed in the applicable N.A.D.A. guide or other approved
13 guide, the department or its agent shall depreciate the
14 value of the vehicle at the rate of 10% a year until a
15 minimum amount of \$500 is attained, and the value shall
16 remain at that amount so long as the vehicle is registered.

17 (2) The provisions of subsections (1)(a) through (1)(g)
18 do not apply to motor homes, travel trailers, campers, or
19 mobile homes as defined in 15-1-101(1). (Terminates December
20 31, 1993--sec. 11, Ch. 525, L. 1989.)

21 61-3-503. (Effective January 1, 1994) Assessment. (1)
22 Except as provided in subsection (2), the following apply to
23 the taxation of motor vehicles:

24 (a) Except as provided in subsections (1)(c) through
25 (1)(e), a person who files an application for registration

1 or reregistration of a motor vehicle shall before filing
2 such application with the county treasurer submit the
3 application to the county assessor. The county assessor
4 shall enter on the application in a space to be provided for
5 that purpose the market value and taxable value of the
6 vehicle as of January 1 of the year for which the
7 application for registration is made.

8 (b) Except as provided in subsection (1)(c), motor
9 vehicles are assessed for taxes on January 1 in each year
10 irrespective of the time fixed by law for the assessment of
11 other classes of personal property and irrespective of
12 whether the levy and tax may be a lien upon real property
13 within the state. In no event may any motor vehicle be
14 subject to assessment, levy, and taxation more than once in
15 each year.

16 (c) Vehicles subject to the provisions of 61-3-313
17 through 61-3-316 ~~shall~~ must be assessed as of the first day
18 of the registration period, using the average trade-in or
19 wholesale value as of January 1 of the year of assessment of
20 the vehicle as contained in the most recent volume of the
21 Mountain States Edition of the National Automobile Dealers
22 Association (N.A.D.A.) Official Used Car Guide, the National
23 Edition of N.A.D.A. Appraisal Guides Official Older Used Car
24 Guide, or another nationally published used vehicle or
25 appraisal guide approved by the department of revenue, or,

1 for a vehicle that was never listed in any edition of the
2 preceding guides, the retail value of the vehicle as
3 determined by the county assessor, and thereafter
4 depreciated 10% per year until a value of \$500 is reached,
5 not including additions or deductions for options and
6 mileage but including additions or deductions, whether or
7 not one of the preceding guides is used, for diesel engines;
8 and a lien for taxes and fees due on the vehicle shall occur
9 on the anniversary date of the registration and shall
10 continue until the fees and taxes have been paid. If the
11 value shown in any of the appraisal guides listed in this
12 section is less than \$500, the department shall value the
13 vehicle at \$500.

14 (d) Motorcycles and quadricycles shall be assessed,
15 using the greater of the following:

16 (i) \$250; or

17 (ii) the average trade-in or wholesale value as of
18 January 1 of the year of assessment of the vehicle as
19 contained in the most recent volume of the applicable
20 National Edition of the N.A.D.A. Motorcycle/Moped/ATV
21 Appraisal Guide or N.A.D.A. Recreational Vehicle Appraisal
22 Guide, or another nationally published used vehicle or
23 appraisal guide approved by the department of revenue, not
24 including additions or deductions for options and mileage.

25 (e) If a vehicle assessed under subsection (1)(c) or

1 (1)(d) is not originally listed in the applicable N.A.D.A.
2 guide or other approved guide, the department of revenue or
3 its agent shall depreciate the original f.o.b. factory list
4 price, f.o.b. port-of-entry list price, or the
5 manufacturer's suggested list price, using the following
6 methods:

7 (i) if the new car sales tax has been previously paid
8 and the vehicle is less than 1 year in age, the depreciation
9 percentage shall be 20%; or

10 (ii) if the vehicle is 1 year or older in age and it is
11 not listed in any of the appraisal guides listed in this
12 section, the department of revenue shall determine the
13 depreciation percentage to approximate the average wholesale
14 or trade-in values in the current N.A.D.A. guides or other
15 approved guide referred to in this subsection. For purposes
16 of this subsection (1), the age of the vehicle is determined
17 by subtracting the manufacturer's model year of the vehicle
18 from the calendar year of assessment.

19 (f) When a minimum value of \$500 is reached, the value
20 shall remain at that minimum so long as the vehicle is
21 registered.

22 (g) If a previously registered vehicle is no longer
23 listed in the applicable N.A.D.A. guide or other approved
24 guide, the department or its agent shall depreciate the
25 value of the vehicle at the rate of 10% a year until a

1 minimum amount of \$500 is attained, and the value shall
2 remain at that amount so long as the vehicle is registered.

3 (2) The provisions of subsections (1)(a) through (1)(g)
4 do not apply to motor homes, travel trailers, campers, or
5 mobile homes as defined in 15-1-101(1)."

6 **Section 8.** Section 61-3-535, MCA, is amended to read:

7 "61-3-535. Vehicle reregistration by mail -- renewal
8 cards and reregistration notice by mail. (1) ~~The--department~~
9 ~~shall--permit-the-reregistration-of~~ An EXCEPT AS PROVIDED IN
10 SUBSECTION (2), AN owner of the following types of motor
11 vehicles may reregister by mail:

12 (a) light vehicles, motorcycles, quadricycles, and
13 other vehicles subject to tax under 61-3-504(2) with--the
14 ~~county--treasurer--by-mail-at-the-option-of-the-owner-of-the~~
15 vehicle-; and

16 (b) travel trailers, campers, and motor homes subject
17 to a fee in lieu of tax under 61-3-521.

18 (2) The option to reregister by mail need only be made
19 available for vehicles registered at the close of the
20 expiring registration period in the name of the applicant
21 for reregistration AND ONLY IF THE VALUE, AGE, LENGTH, OR
22 OTHER CRITERIA USED TO DETERMINE THE TAX OR FEE IS AVAILABLE
23 TO THE DEPARTMENT.

24 (3) The department shall develop a procedure to
25 facilitate the reregistration by mail of the vehicles listed

1 in subsection (1). The mail reregistration procedure
 2 developed by the department must ~~provide-for-a-bar-code-on~~
 3 ~~the-mail-renewal-card-so-that-the-county-treasurer-can-scan~~
 4 ~~the-mail-renewal-card-for-all-relevant-information-when-it~~
 5 ~~is-received-from-the-applicant~~ INCLUDE A PROCEDURE TO
 6 FACILITATE AUTOMATED HANDLING OF MAIL REREGISTRATION OR
 7 RECERTIFICATION.

8 (2)(4) The form to be returned to the county treasurer
 9 by the applicant, with the appropriate tax and fees, is to
 10 contain a statement, ~~to-be-subscribed-to-by~~ THAT the
 11 applicant, ~~stating~~ IS IN compliance with the financial
 12 liability requirements of 61-6-301.

13 (3)(5) The procedure implemented by the department to
 14 permit reregistration by mail shall provide for a written
 15 reminder notice by mail to a ~~light~~ vehicle owner of the
 16 requirement to reregister his vehicle with the county
 17 treasurer.

18 (4)(6) The department shall adopt rules to implement
 19 the mail reregistration procedure."

20 NEW SECTION. Section 9. Mail renewal and
 21 recertification. ~~(1)-The-department-of-justice-shall-develop~~
 22 ~~a-procedure-for-mail-recertification-of-boats-the-renewal~~
 23 ~~of-license-decals-and-the-payment-of-the-fee-in-lieu-of~~
 24 ~~tax.~~

25 (2)--The--option-to-recertify-renew-and-pay-the-fee-in

lieu-of-tax-by-mail-need-only-be-made--available--for--boats
for---which---ownership--has--not--changed--since--the--last
recertification-or-renewal-period.

(3)--The-mail-renewal-procedure-must-provide-for-a--bar
code--on--the--renewal--or--recertification-card-so-that-the
county--treasurer--can--scan--the--card--for--all---relevant
information-upon-its-receipt.

(4)--The--department--of--justice--may--adopt--rules--to
implement-this-section. THE MAIL RENEWAL PROCEDURE DEVELOPED
BY THE DEPARTMENT OF JUSTICE PURSUANT TO 61-3-535 MAY BE
USED FOR MAIL RECERTIFICATION OF BOATS, THE RENEWAL OF
LICENSE DECALS, AND THE PAYMENT OF THE FEE IN LIEU OF TAX.

NEW SECTION. Section 10. Mail renewal and
recertification. (1)-The-department-of-justice-shall-develop
a-procedure-for-mail--recertification--of--snowmobiles,--the
renewal--of--license--decals,--and-the-payment-of-the-fee-in
lieu-of-tax.

(2)--The-option-to-recertify,--renew,--and-pay-the-fee--in
lieu--of--tax--by--mail--need--only--be--made--available--for
snowmobiles-for-which-ownership-has-not--changed--since--the
last-recertification-or-renewal-period.

(3)--The--mail--renewal-procedure-must-provide-for-a-bar
code-on-the-renewal-or--recertification--card--so--that--the
county---treasurer--can--scan--the--card--for--all---relevant
information-upon-its-receipt.

1 ~~(4)--The--department--of--justice--may--adopt--rules--to~~
 2 ~~implement--this--section.~~ THE MAIL RENEWAL PROCEDURE DEVELOPED
 3 ~~BY THE DEPARTMENT OF JUSTICE PURSUANT TO 61-3-535 MAY BE~~
 4 ~~USED FOR MAIL RECERTIFICATION OF SNOWMOBILES, THE RENEWAL OF~~
 5 ~~LICENSE DECALS, AND THE PAYMENT OF THE FEE IN LIEU OF TAX.~~

6 NEW SECTION. Section 11. Mail renewal and
 7 recertification. ~~(1)--The--department--of--justice--shall--develop~~
 8 ~~a--procedure--for--mail--recertification--of--off-highway~~
 9 ~~vehicles,--the--renewal--of--license--decals,--and--the--payment--of~~
 10 ~~the--fee--in--lieu--of--tax.~~

11 ~~(2)--The--option--to--recertify,--renew,--and--pay--the--fee--in~~
 12 ~~lieu--of--tax--by--mail--need--only--be--made--available--for~~
 13 ~~off-highway--vehicles--for--which--ownership--has--not--changed~~
 14 ~~since--the--last--recertification--or--renewal--period.~~

15 ~~(3)--The--mail--renewal--procedure--must--provide--for--a--bar~~
 16 ~~code--on--the--renewal--or--recertification--card--so--that--the~~
 17 ~~county--treasurer--can--scan--the--card--for--all--relevant~~
 18 ~~information--upon--its--receipt.~~

19 ~~(4)--The--department--of--justice--may--adopt--rules--to~~
 20 ~~implement--this--section.~~ THE MAIL RENEWAL PROCEDURE DEVELOPED
 21 ~~BY THE DEPARTMENT OF JUSTICE PURSUANT TO 61-3-535 MAY BE~~
 22 ~~USED FOR MAIL RECERTIFICATION OF OFF-HIGHWAY VEHICLES, THE~~
 23 ~~RENEWAL OF LICENSE DECALS, AND THE PAYMENT OF THE FEE IN~~
 24 ~~LIEU OF TAX.~~

25 NEW SECTION. Section 12. County motor vehicle computer

1 system. (1) The department of justice, in consultation with
 2 a user advisory group representing county treasurers, shall
 3 develop an SHALL MAINTAIN A STATEWIDE on-line computer
 4 system for the use of the counties of this state to be used
 5 to register and reregister motor vehicles, boats,
 6 snowmobiles, and off-highway vehicles.

7 (2) The department of justice shall establish the user
 8 advisory group provided for in subsection (1), to assist in
 9 the development and operation of the computer system
 10 provided for in subsection (1) OF POLICIES GOVERNING THE
 11 REGISTRATION AND REREGISTRATION OF MOTOR VEHICLES, BOATS,
 12 SNOWMOBILES, AND OFF-HIGHWAY VEHICLES. The user advisory
 13 group must include county treasurers, employees of the
 14 county treasurer, and county data processing personnel in
 15 addition to representatives of the department.

16 (3) The policy decisions necessary to develop and
 17 implement the computer system provided for in subsection (1)
 18 must be made jointly by the department and the user advisory
 19 group. The computer system and any changes to that system
 20 must be approved by the user advisory group. BE APPOINTED BY
 21 THE ATTORNEY GENERAL AND MUST INCLUDE:

22 (A) AN EMPLOYEE OF THE DEPARTMENT OF ADMINISTRATION,
 23 DATA PROCESSING DIVISION, SELECTED BY THE DIVISION
 24 ADMINISTRATOR;

25 (B) TWO COUNTY TREASURERS, SELECTED BY THE MONTANA

1 COUNTY TREASURERS ASSOCIATION;

2 (C) ONE COUNTY MOTOR VEHICLE SECTION SUPERVISOR,
3 SELECTED BY THE MONTANA COUNTY TREASURERS ASSOCIATION;

4 (D) A COUNTY ASSESSOR, SELECTED BY THE DIRECTOR OF THE
5 DEPARTMENT OF REVENUE;

6 (E) AN EMPLOYEE OF THE DEPARTMENT OF JUSTICE DATA
7 PROCESSING DIVISION, SELECTED BY THE DIVISION ADMINISTRATOR;

8 (F) AN EMPLOYEE OF THE DEPARTMENT OF JUSTICE, MOTOR
9 VEHICLE DIVISION, REGISTRAR'S BUREAU, SELECTED BY THE
10 DIVISION ADMINISTRATOR;

11 (G) AN EMPLOYEE OF THE DEPARTMENT OF JUSTICE, MOTOR
12 VEHICLE DIVISION, DRIVER SERVICES BUREAU, SELECTED BY THE
13 DIVISION ADMINISTRATOR;

14 (H) A MEMBER OF THE MONTANA BANKERS' ASSOCIATION,
15 SELECTED BY THE ASSOCIATION DIRECTOR;

16 (I) A MEMBER OF THE MONTANA AUTOMOBILE DEALERS
17 ASSOCIATION, SELECTED BY THE ASSOCIATION DIRECTOR; AND

18 (J) A MEMBER OR EMPLOYEE OF AAA MONTANA, SELECTED BY
19 THE ASSOCIATION DIRECTOR.

20 (3) COMMITTEE MEMBERS WHO ARE NOT EMPLOYEES OF THE
21 STATE OF MONTANA SHALL SERVE A TERM OF TWO YEARS, STATE
22 EMPLOYEES MEMBERS SHALL SERVE AT THE PLEASURE OF THE
23 ATTORNEY GENERAL.

24 (4) TRAVEL AND PER DIEM EXPENSES FOR THE COMMITTEE
25 SHALL BE CHARGED TO THE MOTOR VEHICLE DIVISION.

1 (5) SECRETARIAL AND SUPPORT SERVICES FOR THE COMMITTEE
 2 SHALL BE PROVIDED BY THE MOTOR VEHICLE DIVISION.

3 (6) THE COMMITTEE SHALL MEET NO MORE THAN 4 TIMES PER
 4 YEAR, UNLESS SPECIFICALLY CALLED BY THE ATTORNEY GENERAL.

5 NEW SECTION. Section 13. County motor vehicle computer
 6 committee. (1) There is a county motor vehicle computer
 7 committee.

8 (2) The committee is allocated to the department of
 9 justice for administrative purposes only as provided in
 10 2-15-121.

11 (3) The committee consists of:

12 (a) an employee of the information service division of
 13 the department of administration, appointed by the director
 14 of the department of administration;

15 (b) two county treasurers, appointed by the Montana
 16 county treasurers association; and

17 (c) two employees of the department of justice,
 18 appointed by the attorney general.

19 NEW SECTION. Section 14. Duties of county motor
 20 vehicle computer committee. (1) The county motor vehicle
 21 computer committee shall:

22 (a) ~~set---the---standard---for---the---computer---equipment,~~
 23 ~~including---peripherals,~~ ESTABLISH THE REQUIREMENTS AND
 24 SPECIFICATIONS FOR THE COUNTY MOTOR VEHICLE COMPUTER SYSTEM
 25 TO BE used by county treasurers and the department of

1 justice to register and reregister motor vehicles, boats,
 2 snowmobiles, and off-highway vehicles⁷. AS USED IN THIS
 3 SECTION, "COMPUTER SYSTEM" MEANS THE COUNTY MOTOR VEHICLE
 4 APPLICATION SYSTEM AND DOES NOT IMPLY OR INCLUDE THE CENTRAL
 5 COMPUTER CENTERS OR THE DEPARTMENT OF ADMINISTRATION'S
 6 RESPONSIBILITY TO ESTABLISH POLICY AND TO OPERATE AND
 7 MAINTAIN CENTRAL COMPUTER CENTERS.

8 (b) ~~make-grants--to--counties--and--the--department--of~~
 9 ~~justice---to---purchase~~ APPROVE THE PURCHASE OF computer
 10 equipment, including peripherals, to be used for the
 11 registration and reregistration of motor vehicles, boats,
 12 snowmobiles, and off-highway vehicles;

13 (c) ~~make-grants--to--counties--and--the--department--of~~
 14 ~~justice~~ APPROVE THE PROCEDURES for the development of the
 15 county motor vehicle computer system provided for in
 16 [section 8] and for training in the use of that system.

17 (2) ~~An--amount--of--\$17,200,000--is--appropriated-to-the~~
 18 ~~county-motor-vehicle-computer-committee--from--the--county~~
 19 ~~motor--vehicle-computer-fund-for-the-biennium-beginning-July~~
 20 ~~17--1991.~~ THERE IS APPROPRIATED FROM THE ^{STATE?} GENERAL FUND TO THE
 21 DEPARTMENT OF JUSTICE ⁶³⁹ \$693,300 IN FY 1992 AND \$837,900 IN FY
 22 1993 TO FUND THE CONTINUED DEVELOPMENT AND OPERATION OF THE
 23 STATEWIDE MOTOR VEHICLE COMPUTER SYSTEM.

24 NEW SECTION. Section 15. County motor vehicle computer
 25 fee. (1) A county motor vehicle computer fee of \$1 must be

1 assessed on the annual registration or reregistration for
2 each of the following:

3 (a) motor vehicles subject to registration or
4 reregistration under Title 61, chapter 3;

5 (b) boats subject to registration or reregistration
6 under Title 23, chapter 2, part 5;

7 (c) snowmobiles subject to registration or
8 reregistration under Title 23, chapter 2, part 6; and

9 (d) off-highway vehicles subject to registration or
10 reregistration under Title 23, chapter 2, part 8.

11 (2) The fee must be collected by the county treasurer
12 and forwarded to the state treasurer for deposit in the
13 ~~county motor vehicle computer~~ ^{state general} fund. ✓

14 NEW SECTION. **Section 16.** County motor vehicle computer
15 fund. There is a county motor vehicle computer fund into
16 which the fees provided for in [section ~~11~~ 15] are
17 deposited. The fees are to be used by the ~~county-motor~~
18 ~~vehicle-computer--committee~~ DEPARTMENT to carry out its
19 duties as provided in ~~{section-10}~~ [THIS ACT]. Any funds in
20 the county motor vehicle computer fund that have not been
21 committed by the county motor vehicle computer committee as
22 of June 30, 1993, revert to the general fund.

23 NEW SECTION. **Section 17.** Effective date --
24 applicability -- termination. ~~{1}~~ [This act] is effective
25 July 1, 1991, and applies to motor vehicles, boats,

1 snowmobiles, and off-highway vehicles that must be
2 registered or reregistered on or after July 1, 1991.

3 ~~(2)--{Sections 9 through 12}--terminate--June 30, 1993--~~

4 NEW SECTION. **Section 18.** Codification instruction. (1)

5 [Section 5 9] is intended to be codified as an integral part
6 of Title 23, chapter 2, part 5, and the provisions of Title
7 23, chapter 2, part 5, apply to [section 5 9].

8 (2) [Section 6 10] is intended to be codified as an
9 integral part of Title 23, chapter 2, part 6, and the
10 provisions of Title 23, chapter 2, part 6, apply to [section
11 6 10].

12 (3) [Section 7 11] is intended to be codified as an
13 integral part of Title 23, chapter 2, part 8, and the
14 provisions of Title 23, chapter 2, part 8, apply to [section
15 7 11].

-End-

EXHIBIT 1-A
DATE 3-20-91
HB 579

HOUSE OF REPRESENTATIVES

HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL VOTE

DATE 3-20-91 BILL NO. HB 579 NUMBER _____

MOTION: Rep. Foster Moved \$1 to sunset in 2 years
on grey Bill.

Motion FAILED 6-10

NAME	AYE	NO
REP. FLOYD "BOB" GERVAIS, VICE-CHAIRMAN		✓
REP. ERNEST BERGSAGEL	✓	
REP. ROBERT CLARK	✓	
REP. JANE DEBRUYCKER		✓
REP. ALVIN ELLIS, JR.		✓
REP. GARY FELAND	✓	
REP. MIKE FOSTER	✓	
REP. PATRICK GALVIN		✓
REP. DICK KNOX		✓
REP. DON LARSON		✓
REP. SCOTT MCCULLOCH		✓
REP. JIM MADISON		✓
REP. LINDA NELSON	✓	
REP. DON STEPPLER	✓	
REP. HOWARD TOOLE		
REP. ROLPH TUNBY		✓
REP. BARRY "SPOOK" STANG, CHAIRMAN		✓
TOTAL	6	10

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By SENATOR CECIL WEEDING, Chairman, on April 11, 1991, at 3:00 p.m.

ROLL CALL

Members Present:

Cecil Weeding, Chairman (D)
Betty Bruski, Vice Chairman (D)
Bill Farrell (R)
Francis Koehnke (D)
Jerry Noble (R)
Jack Rea (D)
Lawrence Stimatz (D)
Larry Tveit (R)

Members Excused: John Harp (R)

Staff Present: Paul Verdon (Legislative Council).
Pat Bennett, Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion: None.

HEARING ON HOUSE BILL 579

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE JERRY DRISCOLL, District #92, opened the hearing on HB 579. House Bill 579 was at the request of the County Treasurer's Association to add to the registration periods and puts in a statewide computer system for re-registering a car through the mail.

Proponents' Testimony:

CORT HARRINGTON, representing the Montana County Treasurer's Association, testified in favor of HB 579. The Department of Justice requested a similar bill, HB 575, which involved the automation in the state assumption of registration and re-registration of vehicles. The House Highway Subcommittee combined the two into HB 579.

SENATE HIGHWAYS & TRANSPORTATION COMMITTEE

April 11, 1991

Page 2 of 4

CORT HARRINGTON stated the bill would increase the number of registration periods from 10 to 12, one for each month of the year, and expands the mail re-registration process. The bill requires the Department of Justice to expand their automated computer system for the registration of motor vehicles to include all 56 counties. Currently 13 counties are on line and they do 65% of the re-registration. There is \$1 added to the registration fee to cover this, which will raise approximately \$900,000. This money will be appropriated to the Department of Justice to purchase the equipment to be distributed to the counties.

PETER FUNK, Assistant Attorney General, said the bill is a compromise of the two bills HB 575 and HB 579. The Department of Justice is very satisfied with the compromise that has been worked out and feels that the bill will result in the increase of services to the people of the state.

PATRICIA COOK, Lake County Treasurer, President of the Montana County Treasurer's Association, stated that the bill would provide the collection of taxes on 60 day stickers. It will also provide an effective date of January 1 for vehicle registration.

DEAN ROBERTS, Administrator of the Motor Vehicle Division, stated they support HB 579. The Division for the last 4 years has an automated system which is a jerry-built system which was put together without any money or budget. The total system cost less than \$100,000 over those years and is now serving the functions of law enforcement and vehicle registration in 13 counties. It needs to be updated. It is also important to get these other counties on line for law enforcement purposes. Even the banks have had difficulties with lien filings. This bill will help banks, law enforcement, auto dealers, Department of Justice and other constituents who need this type of information.

STEVE TURKIEWICZ, representing the Montana Auto Dealers Association, stated they have been involved in the process of upgrading the motor vehicle registration system for the state. It is important to implement a comprehensive system for vehicle registration on a statewide basis. The ability for the Department of Justice and the County Treasurers to be able to come up with a workable compromise will be tremendous improvement. He stated that in the past they have opposed any increases in vehicle registration fees, however in this particular case they feel it is reasonable.

CORT HARRINGTON asked that Kevan Bryant who is the Yellowstone County Treasurer requested that he be listed as a proponent.

Opponents' Testimony:

None.

HI041191.SM1

Questions From Committee Members:

SENATOR FARRELL asked why they have amended in another nationally published used-vehicle guide.

DEAN ROBERTS explained that NADA is the guide they presently use. NADA is paid \$35,000 per year for the light cars and truck tape. He stated that they included NADA because they want to do as much mail renewal as possible. NADA does not have a motorcycle tape and it will allow the Department to go out into the market to find someone who is doing a valued motorcycle tape. The Department of Revenue will have to approve anything that is being used. It will give the Department more flexibility to be able to acquire more data tapes to access other kinds of vehicles.

SENATOR STIMATZ asked if they were going through the Department of Administration to get the computer equipment.

DEAN ROBERTS said there is in the bill a computer committee to determine what kind will be purchased. The Department of Administration ISD is on that committee along with two county treasurers, two people from the Department of Justice. Nothing is purchased without the approval of ISD.

SENATOR KOEHNKE asked how long it takes to get titles from on-line counties.

DEAN ROBERTS stated that it takes about 1 week to get a title from an on-line county, it takes 14 days for an off-line county. This will combine all the counties which will make the process run more efficiently.

SENATOR FARRELL asked about the appropriation for \$639,000.

DEAN ROBERTS said he did not think it has been in the Finance and Claims Committee.

MICK ROBINSON stated that the \$1 will raise approximately \$917,000 per year. In FY 92 & 93 there would be an excess above the appropriation to go into the general fund. The equipment will cost approximately \$170,000 of the total appropriations to be purchased over 5 years.

CHAIRMAN WEEDING asked where the additional FTEs would be placed.

MICK ROBINSON stated that out of the 12 FTEs, in the second biennium there would be 3 program analysts to do the programming, 3 computer operators to cover going from 7 a.m. to 6 p.m. and extending it to 18 hrs per day to handle the volume of activity. The other FTEs are trainers. One of the problems when the 12 counties went on line, they did not have sufficient training for the employees.

Closing by Sponsor:

REPRESENTATIVE DRISCOLL closed the hearing on HB 579.

EXECUTIVE ACTION ON HOUSE BILL 579

Motion:

SENATOR FARRELL MOVED that HB 579 BE CONCURRED IN.

Discussion:

SENATOR HARP will carry HB 579.

Recommendation and Vote:

MOTION PASSED UNANIMOUSLY.

ADJOURNMENT

Adjournment At: 4:00 p.m.



SENATOR CECIL WEEDING, Chairman

PAT BENNETT, Secretary

CW/pb

DATE:

4-11-91

[illegible]

(PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY)